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This unit (Kauai L) contains a total of 3,407 ha (8,418 ac) on State and privately owned lands. It is within the Hanalei watershed. The natural features include: Kaliko summit, Kaumanalehua summit, Kawailewa summit, Keanaawi Ridge, Kiloa summit, Maheo summit, and Pohakupele summit. This unit is within a portion of the Halelea Forest Reserve.

#### *Kauai M*

The proposed unit Kauai M provides occupied habitat for eight species: *Adenophorus periens*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*,

*Cyrtandra cyaneoides*, *Cyrtandra limahuliensis*, *Labordia lydgatei*, and *Phyllostegia wawrana*. It is proposed for designation because it contains the physical and biological features that are considered essential for their conservation on Kauai, and provides habitat to support one or more of the 8 to 10 populations for each species and 300 mature individuals per population throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species. This unit also provides unoccupied habitat for one species:

*Bonamia menziesii*. Designation of this unit is essential to the conservation of this species because it contains the physical and biological features that are considered essential for its conservation on Kauai, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for this species of 8 to 10 populations and 300 mature individuals per population, throughout its known historical range (see the discussion of conservation requirements in Section D, and in the table for Kauai M).

Table for Kauai M

Notes	*Species is wide ranging. ‡ **Epiphyte usually growing on <u>Metrosideros</u> <u>polymorpha</u> trunks, in riparian banks of stream systems in well-developed, closed, shady canopy.	*Species is wide ranging. ‡
14. Hybridization is possible.		
13. Restricted habitat requirements.	X**	
12. Narrow endemic.		
11. Annual–500/pop.		
10. Short-lived perennial–300/pop.	X	X
9. Long-lived perennial–100/pop.		
8. Not all occupied habitat needed.		X
7. Species with variable habitats.		X
6. Several occ. vulnerable to		X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X
2. Island endemic.		
1. 8–10 pop. guidelines.	X*	X*
Species	<u>Adenophorus periens</u>	<u>Bonamia menziesii</u>

<u>Cyanea asarifolia</u>	X	X					X	X*				X		X**		*The only occurrence.  **Pockets of soil on sheer, wet, rock cliffs and waterfalls in lowland wet forest.
<u>Cyanea recta</u>	X	X					X	X	X			X				
Cyanea remyi	X	X					X	X	X			X		X*		*Tight drainages and wet stream banks in lowland wet forest or shrubland.
<u>Cyrtandra cyaneoides</u>	X	X					X	X	X			X		X*		*Tallus on steep slopes or cliffs with water seeps running below, near streams or waterfalls.
<u>Cyrtandra limahuliensis</u>	X	X					X	X	X			X		X*		*Stream banks in lowland wet forest.
<u>Labordia lydgatei</u>	X	X					X	X				X		X*	X	*Stream banks in <u>Metrosideros polymorpha</u> - <u>Dicranopteris linearis</u> forest.
Phyllostegia wawrana	X	X					X	X				X			X	

This unit (Kauai M) contains a total of 3,302 ha (8,160 ac) on State and privately owned lands. It contains portions of the Anahola, Kalihiwai, Kapaa, and Kilauea watersheds. The natural features include: Haleone summit, Kahili summit, Kamahuna summit, Kamalii Ridge, Keahua summit, Kekoiki summit, Leleiwi summit, Makaleha summit, Makaleha Mountains, Malamalamaiki summit, Namahana Mount, Pohakupili summit, Puu Awa, Puu Eu, Uluawaa summit, and Waihunehune Falls. It contains portions of Kealia Forest Reserve and Moloaa Forest Reserve.

#### Kauai N

The proposed unit Kauai N provides occupied habitat for 16 species: *Adenophorus periens*, *Bonamia menziesii*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyrtandra limahuliensis*, *Dubautia pauciflora*, *Exocarpos luteolus*, *Isodendron longifolium*, *Labordia lydgatei*, *Labordia tinifolia* var. *wahiawaensis*, *Lysimachia*

*filifolia*, *Myrsine linearifolia*, *Plantago princeps*, *Viola helenae*, and *Viola kauaiensis* var. *wahiawaensis*. It is proposed for designation because it contains the physical and biological features that are considered essential for their conservation on Kauai, and provides habitat to support one or more of the 8 to 10 populations for each species and 100 mature individuals per population for *Labordia tinifolia* var. *wahiawaensis* and *Myrsine linearifolia*, or 300 mature individuals per population for *Adenophorus periens*, *Bonamia menziesii*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyrtandra limahuliensis*, *Dubautia pauciflora*, *Exocarpos luteolus*, *Isodendron longifolium*, *Labordia lydgatei*, *Lysimachia filifolia*, *Plantago princeps*, *Viola helenae*, and *Viola kauaiensis* var. *wahiawaensis*, throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species. This unit also provides unoccupied habitat for

seven species: *Cyanea undulata*, *Cyrtandra cyaneoides*, *Delissea rivularis*, *Hesperomannia lydgatei*, *Phlegmariurus nutans*, *Phyllostegia wawrana*, and *Platanthera holochila*. Designation of this unit is essential to the conservation of these species because it contains the physical and biological features that are considered essential for their conservation on Kauai, and provides habitat to support one or more additional populations necessary to meet the recovery objectives of 8 to 10 populations for each species and 100 mature individuals per population for *Hesperomannia lydgatei*, or 300 mature individuals per population for *Cyanea undulata*, *Cyrtandra cyaneoides*, *Delissea rivularis*, *Phlegmariurus nutans*, *Phyllostegia wawrana*, and *Platanthera holochila*, throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Kauai N).

Table for Kauai N

Notes	*Species is wide ranging ‡ **Epiphyte usually growing on <u>Metrosideros</u> <u>polymorpha</u> trunks, in riparian banks of stream systems in well-developed, closed, shady canopy.	*Species is wide ranging ‡
14. Hybridization is possible.		
13. Restricted habitat requirements.	X**	
12. Narrow endemic.		
11. Annual–500/pop.		
10. Short-lived perennial–300/pop.	X	X
9. Long-lived perennial–100/pop.		
8. Not all occupied habitat needed.		X
7. Species with variable habitats.		X
6. Several occ. vulnerable to		X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X
2. Island endemic.		
1. 8–10 pop. guidelines.	X*	X*
Species	<u>Adenophorus periens</u>	<u>Bonamia menziesii</u>

<u>Cyanea asarifolia</u>	X	X						X			X**		*The only occurrence. **Pockets of soil on sheer, wet, rock cliffs and waterfalls in lowland wet forest.
<u>Cyanea recta</u>	X	X				X	X						
<u>Cyanea remyi</u>	X	X				X	X				X*		*Tight drainages and wet stream banks in lowland wet forest or shrubland.
<u>Cyanea undulata</u>	X*	X						X			X***		*Not enough suitable habitat exists for 8 to 10 populations at this time. **The only occurrence. ***Tight drainages, wet streambanks in Wahiawa drainage.

<u>Cyrtandra cyaneoides</u>	X	X													X			X*		*Tallus on steep slopes or cliffs with water seeps running below, near streams or waterfalls.
<u>Cyrtandra limahuliensis</u>	X	X												X	X			X*		*Stream banks in lowland wet forest.
<u>Delissea rivularis</u>	X*	X												X	X			X**	X	*Not enough suitable habitat exists for 8 to 10 populations at this time.  **Steep slopes near streams in wet or mesic forest.
<u>Dubautia pauciflora</u>	X	X											X	X			X	X*		*Stream drainages.
<u>Exocarpos luteolus</u>	X	X										X	X		X					
<u>Hesperomannia lydgatei</u>	X	X										X	X		X					
<u>Isodendrion longifolium</u>	X												X	X				X*	X	*Steep slopes and some flats in gulches and stream banks



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This unit (Kauai N) contains a total of 6,599 ha (16,307 ac) on State and privately owned lands. The majority of this unit is in the Wailua watershed

summit, Iole Stream, Kahili summit,  
Kalalea summit, Kamanu summit,  
Kanaele Swamp, Kapakaiki Falls,  
Kapakunui Falls, Kapalaoa summit,

Kapehualala summit, Kaulu Stream, Kawaikini summit, Kualapa summit, Kuilau Ridge, Palikea summit, and Wekiu summit. Includes a portion of the Lihue-Koloa Forest Reserve.

#### Kauai O

The proposed unit Kauai O provides occupied habitat for 41 species:

*Alectryon macrococcus*, *Alsinidendron lychnoides*, *Alsinidendron viscosum*, *Bonamia menziesii*, *Chamaesyce halemanui*, *Diellia erecta*, *Diellia pallida*, *Dubautia latifolia*, *Euphorbia haeleeleana*, *Exocarpos luteolus*, *Flueggea neowawraea*, *Gouania meyenii*, *Isodendron laurifolium*, *Kokia kauaiensis*, *Lipochaeta fauriei*, *Lipochaeta micrantha*, *Lobelia niihauensis*, *Melicope haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothoecstrum peltatum*, *Peucedanum sandwicense*, *Phyllostegia knudsenii*, *Phyllostegia waimeae*, *Phyllostegia wawrana*, *Platanthera holochila*, *Poa sandwicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*, *Schiedea helleri*, *Schiedea membranacea*, *Schiedea spergulina* var. *spergulina*, *Schiedea stellarioides*,

*Solanum sandwicense*, *Spermolepis hawaiiensis*, *Xylosma crenatum*, *Zanthoxylum hawaiiense*. It is proposed for designation because it contains the physical and biological features that are considered essential for their conservation on Kauai, and provides habitat to support one or more of the 8 to 10 populations for each species and 100 mature individuals per population for *Alectryon macrococcus*, *Alsinidendron lychnoides*, *Flueggea neowawraea*, *Kokia kauaiensis*, *Melicope haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothoecstrum peltatum*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense*, or 300 mature individuals per population for *Alsinidendron viscosum*, *Bonamia menziesii*, *Chamaesyce halemanui*, *Diellia erecta*, *Diellia pallida*, *Dubautia latifolia*, *Euphorbia haeleeleana*, *Exocarpos luteolus*, *Gouania meyenii*, *Isodendron laurifolium*, *Lipochaeta fauriei*, *Lipochaeta micrantha*, *Lobelia niihauensis*, *Peucedanum sandwicense*, *Phyllostegia knudsenii*, *Phyllostegia waimeae*, *Phyllostegia wawrana*, *Platanthera holochila*, *Poa sandwicensis*, *Poa siphonoglossa*, *Remya*

*kauaiensis*, *Remya montgomeryi*, *Schiedea helleri*, *Schiedea membranacea*, *Schiedea spergulina* var. *spergulina*, *Schiedea stellarioides*, and *Solanum sandwicense*, or 500 mature individuals per population for *Spermolepis hawaiiensis*, throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species. This unit also provides unoccupied habitat for 10 species: *Adenophorus periens*, *Cyanea recta*, *Delissea rivularis*, *Diplazium molokaiensis*, *Isodendron longifolium*, *Mariscus pennatifolius*, *Plantago princeps*, *Poa mannii*, *Schiedea kauense*, and *Stenogyne campanulata*. Designation of this unit is essential to the conservation of these species because it contains the physical and biological features that are considered essential for their conservation on Kauai, and provides habitat to support one or more additional populations necessary to meet the recovery objective of 8 to 10 populations and 300 mature individuals per population for each species, throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Kauai O).

Table for Kauai O

Notes	*Species is wide ranging. ‡ **Epiphyte usually growing on <u>Metrosideros polymorpha</u> trunks, in riparian banks of stream systems in well-developed, closed, shady canopy.	*Species is wide ranging. ‡
14. Hybridization is possible.		
13. Restricted habitat requirements.	X**	
12. Narrow endemic.		
11. Annual–500/pop.		
10. Short-lived perennial–300/pop.	X	
9. Long-lived perennial–100/pop.		X
8. Not all occupied habitat needed.		X
7. Species with variable habitats.		
6. Several occ. vulnerable to		X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X
2. Island endemic.		
1. 8–10 pop. guidelines.	X*	X*
Species	<u>Adenophorus periens</u>	<u>Alectryon macrococcus</u>

<u>Alsinidendron lychnoides</u>	X	X				X	X				X							X*		*Steep riparian clay or silty soil banks in montane wet forests.
<u>Alsinidendron viscosum</u>	X*	X				X	X				X							X**		*Not enough suitable habitat exists for 8 to 10 populations at this time. **Steep slopes.
<u>Bonamia menziesii</u>	X*		X			X	X				X							X		*Species is wide ranging. ‡ *Steep slopes of gulches.
<u>Chamaesyce halemanui</u>	X	X				X	X				X							X*		
<u>Cyanea recta</u>	X	X				X	X				X									
<u>Delissea rivularis</u>	X*	X				X	X				X							X**	X	*Not enough suitable habitat exists for 8 to 10 populations at this time. **Steep slopes near streams in wet or mesic forest.

<u>Diellia erecta</u>	X*		X					X				X						X*		*Species is wide ranging. ‡ **Granular soil with leaf litter and moss on north-facing slopes in deep shade or gulch bottoms.
<u>Diellia pallida</u>	X	X						X				X						X*		*Bare granular soil with dry to mesophytic leaf litter with a pH of 6.9 to 7.9 on steep slopes in lowland mesic forest.
<u>Diplazium molokaiensis</u>	X*							X				X						X**		*Species is wide ranging. ‡ **Brown soil with basalt outcrops near waterfalls.
<u>Dubautia latifolia</u>	X	X						X				X								
<u>Euphorbia haeleeleana</u>	X*							X				X								*Species is wide ranging. ‡
<u>Exocarpos luteolus</u>	X	X						X				X								
<u>Flueggea neowawraea</u>	X*							X				X		X						*Species is wide ranging. ‡
<u>Gouania meyenii</u>	X							X				X		X				X*		*Rocky ledges, cliff faces, ridge tops.

<u>Isodendron laurifolium</u>	X		X						X					X	
<u>Isodendron longifolium</u>	X		X						X	X			X*	X	*Steep slopes and some flats in gulches and stream banks.
<u>Kokia kauaiensis</u>	X	X			X				X						
<u>Lipochaeta faurieii</u>	X	X			X	X			X	X			X*	X	*Side of steep gulches in diverse mesic forests.
<u>Lipochaeta micrantha</u>	X*	X			X	X			X	X				X	*Not enough suitable habitat exists for 8 to 10 populations at this time.
<u>Lobelia niihauensis</u>	X*		X		X	X			X	X					*Species is wide ranging ‡
<u>Mariscus pennatifloris</u>	X		X		X	X			X	X					
<u>Melicope haupuensis</u>	X	X			X	X			X		X			X*	*Moist tallus slopes.
<u>Melicope knudsenii</u>	X		X		X	X				X	X			X*	*Forested flats with brown granular soil.
<u>Melicope pallida</u>	X		X		X	X			X		X			X*	*Steep rock faces.
<u>Munroidendron racemosum</u>	X*	X			X	X			X	X					*Species is wide ranging †
<u>Myrsine linearifolia</u>	X	X			X	X			X	X	X				

<u>Nothocestrum peltatum</u>	X*	X					X			X		X							X**		*Not enough suitable habitat exists for 8 to 10 populations at this time.
																					**Rich soil on steep slopes.
<u>Peucedanum sandwicense</u>	X		X				X			X		X							X*		*Cliffs.
<u>Phyllostegia knudsenii</u>	X*	X					X			X		X							X		*Not enough suitable habitat exists for 8 to 10 populations at this time.
<u>Phyllostegia waimeae</u>	X*	X					X			X		X							X		*Not enough suitable habitat exists for 8 to 10 populations at this time.
<u>Phyllostegia wawrana</u>	X	X					X			X		X							X		
<u>Plantago princeps</u>	X		X				X			X		X							X*		*Very specific, variable habitat requirements, i.e. windswept areas near waterfalls, cliff and ridges on rocky outcrops, windblown basalt cliffs with little vegetation.



<u>Platanthera holochila</u>	X		X				X			X				X*		*Mixed bogs – mid to high elevation, or montane bog, wet forest, mesic scrub.
<u>Poa mannii</u>	X	X					X			X				X*		*Cliff or rock faces.
<u>Poa sandvicensis</u>	X*	X					X			X						*Not enough suitable habitat exists for 8 to 10 populations at this time.
<u>Poa siphonoglossa</u>	X	X					X			X				X*		*Shady banks on steep slopes.
<u>Pteralyxia kauaiensis</u>	X*	X					X			X						*Species is wide ranging. †
<u>Remya kauaiensis</u>	X*	X					X			X				X**		*Species is wide ranging. † **Steep north- or northeast-facing slopes.
<u>Remya montgomeryi</u>	X*	X					X							X**		*Species is wide ranging. † **Steep north- or northeast-facing slopes.

<u>Schiedea helleri</u>	X*	X																X	*Not enough suitable habitat exists for 8 to 10 populations at this time. **Cliff faces.
<u>Schiedea kauaiensis</u>	X*	X							X									X	Not enough suitable habitat exists for 8 to 10 populations at this time.
<u>Schiedea membranacea</u>	X	X							X									X	*Cliff and cliff bases.
<u>Schiedea spergulina</u> var. <u>spergulina</u>	X	X							X									X	*Bare rock outcrops or sparsely vegetated portions of rocky cliffs.
<u>Schiedea stellarioides</u>	X	X							X									X	
<u>Solanum sandwicense</u>	X							X	X	X	X	X	X	X	X	X	X		
<u>Spermolepis hawaiiensis</u>	X*							X	X		X						X		*Species is wide ranging †
<u>Stenogyne campanulata</u>	X*	X							X								X	X**	*Species is wide ranging † **Rock faces of nearly vertical north-facing cliffs.
<u>Xylosma crenatum</u>	X*	X							X	X	X	X	X	X	X	X			*Species is wide ranging †
<u>Zanthoxylum hawaiiense</u>	X*							X	X	X	X	X	X	X	X	X			*Species is wide ranging †

This unit (Kauai O) contains a total of 9,462 ha (23.382 ac) on State and privately owned lands. This unit is predominately in the Waimea watershed with a small portion extending into upper reaches of the Haeleele, Hikimoe, Kaaweiki, Kaulaula, and Nahomalu watersheds. The natural features include: the Alakai Swamp, Awini Falls, Awini Stream, Halehaha Stream, Halemanu Stream, Halepaakai Stream, Hipalau Valley, Kaaha summit, Kaluahaulu Ridge, Kaou summit, Kauaikinana Stream, Kawaiiki Ridge, Kawaiiki Valley, Kawaikoi Stream, Kipalau Valley, Koali summit, Kohua Ridge, Kokee Stream, Kumuwela Ridge,

Loli River, Moeloa Falls, Mohihi Falls, Mohihi Stream, Nawaimaka Stream, Puu Lua summit, Wahane Valley, Waiakoali Stream, Waialae Falls, and Waipoo Falls. This unit contains portions of Alakai Wilderness Preserve, Halelea Forest Reserve, Hono o Na Pali Natural Area Reserve, Kokee State Park, Kuia Natural Area Reserve, Na Pali Coast State Park, Na Pali-Kona Forest Reserve, Puu Ka Pele Forest Reserve, and Waimea Canyon State Park.

#### *Niihau A*

The proposed unit Niihau A provides occupied habitat for two species: *Brighamia insignis*, and *Cyperus*

*trachysanthos*. It is proposed for designation because it contains the physical and biological features that are considered essential for their conservation on Niihau, and provides habitat to support one or more of the 8 to 10 populations for each species and 100 mature individuals per population for *Brighamia insignis* or 300 mature individuals per population for *Cyperus trachysanthos*, throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species (see the discussion of conservation requirements in Section D, and in the table for Niihau A).

Table for Niihau A

Notes	*Rocky ledges and cliffs.	*Species is wide ranging † **Wet sites on seepy flats or tallus slopes.
14. Hybridization is possible.		
13. Restricted habitat requirements.	X*	X**
12. Narrow endemic.		
11. Annual-500/pop.		
10. Short-lived perennial-300/pop.		X
9. Long-lived perennial-100/pop.	X	
8. Not all occupied habitat needed.		
7. Species with variable habitats.		
6. Several occ. vulnerable to	X	X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X
2. Island endemic.		
1. 8-10 pop. guidelines.	X	X*
Species	<u>Brighamia insignis</u>	<u>Cyperus trachysanthos</u>

**Key for Tables Kauai A–O and Niihau A**

‡ Not all suitable habitat is designated, only those areas essential to the conservation of the species.

1. This unit is needed to meet the recovery plan objectives of 8 to 10 viable populations (self-perpetuating and sustaining for at least 5 years) with 100 to 500 mature, reproducing individuals per species throughout its historical range as specified in the recovery plans.

2. Island endemic.

3. Multi-island species with current locations on other islands.

4. Multi-island species with no current locations on other islands.

5. Current locations do not necessarily represent viable populations with the required number of mature individuals.

6. Several current locations may be affected by one naturally occurring, catastrophic event.

7. Species with variable habitat requirements, usually over wide areas. Wide-ranging species require more space per individual over more land area to provide needed primary constituent elements to maintain healthy population size.

8. Not all currently occupied habitat was determined to be essential to the recovery of the species.

9. Life history, long-lived perennial—100 mature, reproducing individuals needed per population.

10. Life history, short-lived perennial—300 mature, reproducing individuals needed per population.

11. Life history, annual—500 mature, reproducing individuals needed per population.

12. Narrow endemic, the species probably never naturally occurred in more than a single or a few populations.

13. Species has extremely restricted, specific habitat requirements.

14. Hybridization is possible so distinct populations of related species should not overlap, requiring more land area.

This unit (Niihau A) contains a total of 282 ha (697 ac) on privately owned land. The natural features include Puu Alala, Mokouia Valley, and two unnamed intermittent bodies of water near Puu Alala.

**Effects of Critical Habitat Designation****Section 7 Consultation**

Section 7(a) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out do not destroy or adversely modify critical habitat. Destruction or adverse modification occurs when a Federal action directly or indirectly alters critical habitat to the extent it appreciably diminishes the value of critical habitat for the conservation of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on

Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory.

We may issue a formal conference report, if requested by the Federal action agency. Formal conference reports include an opinion that is prepared according to 50 CFR 402.14, as if the species was listed or critical habitat was designated. We may adopt the formal conference report as the biological opinion when the species is listed or critical habitat is designated, if no substantial new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

If a species is listed or critical habitat is designated, section 7(a)(2) of the Act requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation, the Federal action agency would ensure that the permitted actions do not destroy or adversely modify critical habitat.

If we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we would also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the

Director believes would avoid destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinstate consultation on previously reviewed actions under certain circumstances, including instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement, or control has been retained or is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation or conferencing with us on actions for which formal consultation has been completed if those actions may affect designated critical habitat or adversely modify or destroy proposed critical habitat.

Activities on Federal lands that may affect critical habitat of one or more of the 83 plant species will require Section 7 consultation. Activities on private or State lands requiring a permit from a Federal agency, such as a permit from the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*), or a section 10(a)(1)(B) permit from us, or some other Federal action, including funding (*e.g.* from the Federal Highway Administration, Federal Aviation Administration (FAA), Federal Emergency Management Agency (FEMA)), permits from the Department of Housing and Urban Development, activities funded by the EPA, Department of Energy, or any other Federal agency; regulation of airport improvement activities by the FAA; and construction of communication sites licensed by the Federal Communication Commission will also continue to be subject to the section 7 consultation process. Federal actions not affecting critical habitat and actions on non-Federal lands that are not federally funded, authorized, or permitted do not require section 7 consultation.

Section 4(b)(8) of the Act requires us to briefly describe and evaluate in any proposed or final regulation that designates critical habitat those activities involving a Federal action that may adversely modify such habitat or that may be affected by such designation. We note that such activities may also jeopardize the continued existence of the species.

Activities that, when carried out, funded, or authorized by a Federal agency, may directly or indirectly

adversely affect critical habitat include, but are not limited to—

(1) Activities that appreciably degrade or destroy the primary constituent elements including, but not limited to: overgrazing; maintenance of feral ungulates; clearing or cutting of native live trees and shrubs, whether by burning or mechanical, chemical, or other means (e.g., woodcutting, bulldozing, construction, road building, mining, herbicide application); introducing or enabling the spread of non-native species; and taking actions that pose a risk of fire.

(2) Activities that alter watershed characteristics in ways that would appreciably reduce groundwater recharge or alter natural, dynamic wetland or other vegetative communities. Such activities may include water diversion or impoundment, excess groundwater pumping, manipulation of vegetation such as timber harvesting, residential and commercial development, and grazing of livestock or horses that degrades watershed values.

(3) Rural residential construction that includes concrete pads for foundations and the installation of septic systems where a permit under section 404 of the Clean Water Act would be required by the Corps.

(4) Recreational activities that appreciably degrade vegetation.

(5) Mining of sand or other minerals.

(6) Introducing or encouraging the spread of non-native plant species.

(7) Importation of non-native species for research, agriculture, and aquaculture, and the release of biological control agents.

If you have questions regarding whether specific activities will likely constitute adverse modification of critical habitat, contact the Field Supervisor, Pacific Islands Ecological Services Field Office (see **ADDRESSES** section). Requests for copies of the regulations on listed plants and animals, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species/Permits, 911 N.E. 11th Ave., Portland, Oregon 97232-4181 (telephone 503/231-2063; facsimile 503/231-6243).

#### *Relationship to Habitat Conservation Plans and Other Planning Efforts*

Currently, there are no HCPs that include any of the plant species discussed in this proposal as covered species. In the event that future HCPs covering any of the discussed plant species are developed within the boundaries of designated critical habitat, we will work with applicants to

encourage them to provide for protection and management of habitat areas essential to the conservation of the species. This could be accomplished by either directing development and habitat modification to nonessential areas, or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process would provide an opportunity for more intensive data collection and analysis regarding the use of particular areas by these plant species. If an HCP that addresses one or more of the 83 plant species as covered species is ultimately approved, we will reassess the critical habitat boundaries in light of the HCP. We intend to undertake this review when the HCP is approved, but funding and priority constraints may influence the timing of such a review.

#### *Application of the Section 3(5)(A) Criteria Regarding Special Management Considerations or Protection*

Critical habitat is defined in section 3, paragraph (5)(A) of the Act as—(i) The specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. Special management and protection are not required if adequate management and protection are already in place. Adequate special management or protection is provided by a legally operative plan/agreement that addresses the maintenance and improvement of the primary constituent elements important to the species and manages for the long-term conservation of the species. If any areas containing the primary constituent elements are currently being managed to address the conservation needs of one or more of the 83 plant species and do not require special management or protection, these areas would not meet the definition of critical habitat in section 3(5)(A)(i) of the Act and would not be included in this proposed rule.

To determine if a plan provides adequate management or protection we consider—(1) Whether there is a current plan specifying the management actions and whether such actions provide sufficient conservation benefit to the species; (2) whether the plan provides

assurances that the conservation management strategies will be implemented; and (3) whether the plan provides assurances that the conservation management strategies will be effective. In determining if management strategies are likely to be implemented, we consider whether—(a) A management plan or agreement exists that specifies the management actions being implemented or to be implemented; (b) there is a timely schedule for implementation; (c) there is a high probability that the funding source(s) or other resources necessary to implement the actions will be available; and (d) the party(ies) have the authority and long-term commitment to implement the management actions, as demonstrated, for example, by a legal instrument providing enduring protection and management of the lands. In determining whether an action is likely to be effective, we consider whether—(a) The plan specifically addresses the management needs, including reduction of threats to the species; (b) such actions have been successful in the past; (c) there are provisions for monitoring and assessment of the effectiveness of the management actions; and (d) adaptive management principles have been incorporated into the plan.

The Sikes Act Improvements Act of 1997 (Sikes Act) requires each military installation that includes land and water suitable for the conservation and management of natural resources to complete, by November 17, 2001, an INRMP. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found there. Each INRMP includes an assessment of the ecological needs on the installation, including needs to provide for the conservation of listed species; a statement of goals and priorities; a detailed description of management actions to be implemented to provide for these ecological needs; and a monitoring and adaptive management plan. We consult with the military on the development and implementation of INRMPs for installations with listed species. We believe that bases that have completed and approved INRMPs that address the needs of the species generally do not meet the definition of critical habitat discussed above, because they require no additional special management or protection. Therefore, we do not include these areas in critical habitat designations if they meet the following three criteria: (1) A current INRMP must be complete and provide a conservation benefit to the species; (2)

the plan must provide assurances that the conservation management strategies will be implemented; and (3) the plan must provide assurances that the conservation management strategies will be effective, by providing for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would not meet the definition of critical habitat.

Two species, *Panicum niihauense* and *Wilkesia hobyi*, occur on the Barking Sands and Makaha Ridge Facility lands, and we believe these lands are needed for the recovery of these species. Management on these lands currently consist of restricting human access and mowing landscaped areas. We do not believe that these measures are sufficient to address the primary threats to these species, nor do we believe that appropriate conservation management strategies will be adequately funded or effectively implemented. Therefore, we cannot at this time find that management of these lands under Federal jurisdiction is adequate to preclude a proposed designation of critical habitat. However, if an INRMP or other endangered species management plan that addresses the maintenance and improvement of the essential elements for these two plant species, and provides for their long-term conservation and assurances that it will be completed and implemented, we will reassess the critical habitat boundaries in light of these management plans. Also, we may exclude these military lands under section 4(b)(2) of the Act if benefits of exclusion outweigh the benefits of including the areas within critical habitat, provided the exclusion will not result in extinction of the species.

#### **Economic and Other Relevant Impacts**

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat if the exclusion will result in the extinction of the species concerned.

We prepared an analysis of the economic effects of critical habitat designation for 76 Kauai and Niihau plants (Decision Analysts Hawaii, Inc. (DAHI) 2001) and made it available for public review on March 7, 2001 (66 FR 13691). In that document, we concluded

that no significant economic impacts were expected from critical habitat designation above and beyond those already caused by the listing of the 76 plant species because nearly all of the land within the proposed critical habitat unit is unsuitable for development due to their remote locations, lack of access, and rugged terrain; nearly all of this land (98.5 percent) is within the State Conservation District where state land use controls severely limit development and most activities; very few of the current and planned projects, land uses, and activities that could affect the proposed critical habitat units have a Federal involvement requiring section 7 consultations and most of the activities that do have Federal involvement are operations and maintenance of existing facilities and structures, so they would not be impacted by the critical habitat designation. We will conduct a reanalysis of the economic impacts of designating these areas as critical habitat in light of this new proposal and in accordance with recent decisions in the *N.M. Cattlegrowers Ass'n v. U.S. Fish and Wildlife Serv.*, 248 F.3d 1277 (10th Cir. 2001) prior to a final determination. The economic analysis will include detailed information on the baseline costs and benefits of the critical habitat designation regardless of whether the costs are coextensive with listing, where such estimates are available. This information on the baseline will allow a fuller appreciation of the economic impacts associated with critical habitat designation. When completed, we will announce the availability of the revised draft economic analysis with a notice in the **Federal Register**, and we will open a public comment period on the revised draft economic analysis and re-open the comment period on the proposed rule at that time.

We will utilize the final economic analysis, and take into consideration all comments and information regarding economic or other impacts submitted during the public comment period and the public hearing, to make final critical habitat designations. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as part of critical habitat; however, we cannot exclude areas from critical habitat when such exclusion will result in the extinction of the species.

#### **Public Comments Solicited**

It is our intent that any final action resulting from this proposal be as accurate and as effective as possible. Therefore, we solicit comments or

suggestions from the public, other concerned governmental agencies, the scientific community, industry or any other interested party concerning this proposed rule.

We invite comments from the public that provide information on whether lands within proposed critical habitat are currently being managed to address conservation needs of these listed plants. As stated earlier in this revised proposed rule, if we receive information that any of the areas proposed as critical habitat are adequately managed, we may delete such areas from the final rule, because they would not meet the definition in section 3(5)(A)(i) of the Act. In determining adequacy of management, we must find that the management effort is sufficiently certain to be implemented and effective so as to contribute to the elimination or adequate reduction of relevant threats to the species.

We are soliciting comment in this revised proposed rule on whether current land management plans or practices applied within areas proposed as critical habitat adequately address the threat to these listed species.

We are aware that the State of Hawaii and some private landowners are considering the development and implementation of land management plans or agreements that may promote the conservation and recovery of endangered and threatened plant species on the island of Kauai. We are soliciting comments in this proposed rule on whether current land management plans or practices applied within the areas proposed as critical habitat provide for the conservation of the species by adequately addressing the threats. We are also soliciting comments on whether future development and approval of conservation measures (e.g., HCPs, Conservation Agreements, Safe Harbor Agreements) should be excluded from critical habitat and if so, by what mechanism.

In addition, we are seeking comments on the following:

(1) The reasons why critical habitat for any of these species is prudent or not prudent as provided by section 4 of the Act and 50 CFR 424.12(a)(1), including those species for which prudency determinations have been published in previous proposed rules and which have been incorporated by reference;

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species, as critical habitat is defined by section 3 of the Act (16 U.S.C. 1532 (5));

(3) Specific information on the amount and distribution of habitat for the 83 species, and what habitat is

essential to the conservation of the species and why;

(4) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any economic or other impacts resulting from the proposed designations of critical habitat, including any impacts on small entities, energy development, low income households, and local governments;

(6) Economic and other potential values associated with designating critical habitat for the above plant species such as those derived from non-consumptive uses (e.g., hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values," and reductions in administrative costs);

(7) The methodology we might use, under section 4(b)(2) of the Act, in determining if the benefits of excluding an area from critical habitat outweigh the benefits of specifying the area as critical habitat; and

(8) The effects of critical habitat designation on military lands, and how it would affect military activities, particularly military activities at the PMRF at Barking Sands and Makaha Ridge Facility lands, both on the island of Kauai. Whether there will be a significant impact on military readiness or national security if we designate critical habitat on these facilities. Whether these facilities should be excluded from the designation under section 4(b)(2) of the Act.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address (see **ADDRESSES** section).

The comment period closes on March 29, 2002. Written comments should be submitted to the Service Office listed in the **ADDRESSES** section. We are seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. For additional information on public hearings see the **ADDRESSES** section.

#### Public Hearing

The Act provides for a public hearing on this proposal, if requested. Requests for public hearings must be made within 45 days of the date of publication of this proposal in the **Federal Register**. Given the high likelihood of requests and the need to publish the final determination by July 30, 2002, we have scheduled a public hearing to be held 6:00 p.m. to 8:00 p.m., Wednesday, February 13, 2002, at the Radisson Kauai Beach Resort.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service.

The public hearing will be held from 6:00 p.m. to 8:00 p.m. on Tuesday, January 29, 2002, on the island of Kauai, Hawaii. Prior to the public hearing, we will be available from 3:30 to 4:30 p.m. to provide information and to answer questions. Registration for the hearing will begin at 5:30 p.m. The public hearing will be held at the Radisson Kauai Beach Resort, 4331 Kauai Beach Drive, Lihue, Kauai.

#### Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of such a review is to ensure listing and critical habitat decisions are based on scientifically sound data, assumptions, and analyses. We will send copies of this proposed rule to these peer reviewers immediately following publication in the **Federal Register**. We will invite the peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed designations of critical habitat.

We will consider all comments and data received during the 60-day

comment period on this revised proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

#### Clarity of the Rule

Executive Order 12866 requires each agency to write regulations and notices that are easy to understand. We invite your comments on how to make this proposed rule easier to understand including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the proposed rule in the "Supplementary Information" section of the preamble helpful in understanding the document? (5) What else could we do to make the proposed rule easier to understand?

Please send any comments that concern how we could make this notice easier to understand to the Field Supervisor, Pacific Islands Office (see **ADDRESSES**).

#### Required Determinations

##### Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule and was reviewed by the Office of Management and Budget (OMB) in accordance with the four criteria discussed below. We are preparing a revised economic analysis of this proposed action, which will be available for public comment, to determine the economic consequences of designating the specific areas identified as critical habitat. The availability of the draft economic analysis will be announced in the **Federal Register** so that it is available for public review and comments.

(a) While we will prepare an economic analysis to assist us in considering whether areas should be excluded pursuant to section 4 of the Act, we do not believe this rule will have an annual economic effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State or local governments or communities. Therefore, at this time, we do not believe a cost benefit and economic analysis pursuant to Executive Order 12866 is required. We will revisit this if the economic analysis indicates greater impacts than currently anticipated.



The dates for which the 83 plant species were listed as threatened or endangered can be found in Table 4(b). Consequently, and as needed, we will conduct formal and informal section 7 consultations with other Federal

agencies to ensure that their actions will not jeopardize the continued existence of these species. Under the Act, critical habitat may not be adversely modified by a Federal agency action. Critical habitat does not impose any restrictions

on non-Federal persons unless they are conducting activities funded or otherwise sponsored, authorized, or permitted by a Federal agency (see Table 6).

TABLE 6.—IMPACTS OF CRITICAL HABITAT DESIGNATION FOR 83 PLANTS FROM THE ISLANDS OF KAUAI AND NIIHAU

Categories of activities	Activities potentially affected by species listing only	Additional activities potentially affected by critical habitat designation <sup>1</sup>
Federal Activities Potentially Affected <sup>2</sup> .	Activities conducted by the Army Corps of Engineers, Department of Transportation, Department of Defense, Department of Agriculture, Environmental Protection Agency, Federal Emergency Management Agency, Federal Aviation Administration, Federal Communications Commission, Department of Interior activities that require a Federal action (permit, authorization, or funding) and may remove or destroy habitat for these plants by mechanical, chemical, or other means (e.g., overgrazing, clearing, cutting native live trees and shrubs, water diversion, impoundment, groundwater pumping, road building, mining, herbicide application, recreational use etc.) or appreciably decrease habitat value or quality through indirect effects (e.g., edge effects, invasion of exotic plants or animals, fragmentation of habitat).	These same activities carried out by Federal Agencies in designated areas where section 7 consultations would not have occurred but for the critical habitat designation.
Private or other non-Federal Activities Potentially Affected <sup>3</sup> .	Activities conducted by the Army Corps of Engineers, Department of Transportation, Department of Defense, Department of Agriculture, Environmental Protection Agency, Federal Emergency Management Agency, Federal Aviation Administration, Federal Communications Commission, Department of Interior activities that require a Federal action (permit, authorization, or funding) and may remove or destroy habitat for these plants by mechanical, chemical, or other means (e.g., overgrazing, clearing, cutting native live trees and shrubs, water diversion, impoundment, groundwater pumping, road building, mining, herbicide application, recreational use etc.) or appreciably decrease habitat value or quality through indirect effects (e.g., edge effects, invasion of exotic plants or animals, fragmentation of habitat).	These same activities carried out by Federal Agencies in designated areas where section 7 consultations would not have occurred but for the critical habitat designation.

<sup>1</sup> This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.

<sup>2</sup> Activities initiated by a Federal agency.

<sup>3</sup> Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

Section 7 of the Act requires Federal agencies to ensure that they do not jeopardize the continued existence of these species. Based on our experience with these species and their needs, we conclude that most Federal or federally-authorized actions that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as "jeopardy" under the Act in areas occupied by the species because consultation would already be required due to the presence of the listed species, and the duty to avoid adverse modification of critical habitat would not trigger additional regulatory impacts beyond the duty to avoid jeopardizing the species. Accordingly, we do not expect the designation of currently occupied areas as critical habitat to have any additional incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding.

The designation of areas as critical habitat where section 7 consultations would not have occurred but for the critical habitat designation (that is, in

areas currently unoccupied by the listed species), may have impacts that are not attributable to the species listing on what actions may or may not be conducted by Federal agencies or non-Federal persons who receive Federal authorization or funding. We will evaluate any impact through our economic analysis (under section 4 of the Act; see Economic Analysis section of this rule). Non-Federal persons who do not have a Federal nexus with their actions are not restricted by the designation of critical habitat.

(b) We do not expect this rule to create inconsistencies with other agencies' actions. As discussed above, Federal agencies have been required to ensure that their actions not jeopardize the continued existence of the 83 plant species since their listing between 1991 and 1996. For the reasons discussed above, the prohibition against adverse modification of critical habitat would be expected to impose few, if any, additional restrictions to those that currently exist in the proposed critical habitat on currently occupied lands. However, we will evaluate any impact of designating areas where section 7

consultations would not have occurred but for the critical habitat designation through our economic analysis. Because of the potential for impacts on other Federal agency activities, we will continue to review this proposed action for any inconsistencies with other Federal agency actions.

(c) We do not expect this proposed rule, if made final, to significantly affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of a listed species, and, as discussed above, we do not anticipate that the adverse modification prohibition, resulting from critical habitat designation will have any incremental effects in areas of occupied habitat on any Federal entitlement, grant, or loan program. We will evaluate any impact of designating areas where section 7 consultation would not have occurred but for the critical habitat designation through our economic analysis.

(d) OMB has determined that this rule may raise novel legal or policy issues

and, as a result, this rule has undergone OMB review.

#### Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act (RFA) to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic effect on a substantial number of small entities. SBREFA also amended the RFA to require a certification statement. In today's rule, we are certifying that the rule will not have a significant effect on a substantial number of substantial entities. However, should our revised economic analysis provide a contrary indication, we will revisit this determination at that time. The following discussion explains our rationale.

Small entities include small organizations, such as independent non-profit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule as well as the types of project modifications that may result. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

To determine if the rule would affect a substantial number of small entities, we consider the number of small entities affected within particular types of economic activities (e.g., housing development, grazing, oil and gas production, timber harvesting, etc.). We apply the "substantial number" test individually to each industry to determine if certification is appropriate. In estimating the numbers of small entities potentially affected, we also consider whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation.

Designation of critical habitat only affects activities conducted, funded, or permitted by Federal agencies; non-Federal activities are not affected by the designation. In areas where the species is present, Federal agencies are already required to consult with us under section 7 of the Act on activities that they fund, permit, or implement that may affect *Adenophorus periens*, *Alectryon macrococcus*, *Alsinidendron lychnoides*, *Alsinidendron viscosum*, *Bonamia menziesii*, *Brighamia insignis*, *Centaurium sebaeoides*, *Chamaesyce halemanui*, *Ctenitis squamigera*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyanea undulata*, *Cyperus trachysanthos*, *Cyrtandra cyaneoides*, *Cyrtandra limahuliensis*, *Delissea rhytidosperra*, *Delissea rivularis*, *Delissea undulata*, *Diellia erecta*, *Diellia pallida*, *Diplazium molokaiense*, *Dubautia latifolia*, *Dubautia pauciflora*, *Euphorbia haelealeana*, *Exocarpos luteolus*, *Flueggea neowawraea*, *Gouania meyenii*, *Hedyotis cookiana*, *Hedyotis st.-johnii*, *Hesperomannia lydgatei*, *Hibiscadelphus woodii*, *Hibiscus clayi*, *Hibiscus waimeae ssp. hanneriae*, *Ischaemum byrone*, *Isodendron laurifolium*, *Isodendron longifolium*, *Kokia kauaiensis*, *Labordia lydgatei*, *Labordia tinifolia* var. *wahiawaensis*, *Lipochaeta fauriei*, *Lipochaeta micrantha*, *Lipochaeta waimeaeensis*, *Lobelia niihauensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Melicope haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothocestrum peltatum*, *Panicum niihauense*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia knudsenii*, *Phyllostegia waimeae*, *Phyllostegia wawrana*, *Plantago princeps*, *Platanthera holochila*, *Poa mannii*, *Poa sandwicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*,

*Schiedea apokremnos*, *Schiedea helleri*, *Schiedea kauaiensis*, *Schiedea membranacea*, *Schiedea nuttallii*, *Schiedea spargulina* var. *leiopoda*, *Schiedea spargulina* var. *spargulina*, *Schiedea stellarioides*, *Sesbania tomentosa*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne campanulata*, *Viola helenae*, *Viola kauaiensis* var. *wahiawaensis*, *Wilkesia hobbeyi*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense*. If these critical habitat designations are finalized, Federal agencies must also consult with us if their activities may affect designated critical habitat. However, in areas where the species is present, we do not believe this will result in any additional regulatory burden on Federal agencies or their applicants because consultation would already be required due to the presence of the listed species, and the duty to avoid adverse modification of critical habitat likely would not trigger additional regulatory impacts beyond the duty to avoid jeopardizing the species.

Even if the duty to avoid adverse modification does not trigger additional regulatory impacts in areas where the species is present, designation of critical habitat could result in an additional economic burden on small entities due to the requirement to reinitiate consultation for ongoing Federal activities. However, since these 83 plant species were listed (between 1990 and 1996), there have been no formal consultations, and we have conducted only six informal consultations, in addition to consultations on Federal grants to State wildlife programs, which would not affect small entities. On the island of Kauai there have been no formal consultations regarding *Alsinidendron lychnoides*, *Cyrtandra limahuliensis*, *Cyanea recta*, *Diellia erecta*, *Dubautia latifolia*, *Exocarpos luteolus*, *Panicum niihauense*, *Sesbania tomentosa*, and *Wilkesia hobbeyi*, with the Corps, Navy, and the U.S. Department of Agriculture. One informal consultation was conducted on behalf of the Corps for the Defense Environmental Restoration Program, who requested a list of endangered species on a site formerly used by the Department of Defense at the Wailua Impact Area. Three of the 83 species, *Cyanea recta*, *Cyrtandra limahuliensis*, and *Exocarpos luteolus* were reported from the project area. Four informal consultations were conducted with the Navy: one for the construction of a missile support facility at the PMRF at Barking Sands regarding several listed birds, a turtle, the Hawaiian monk seal,

Hawaiian hoary bat, and the endangered plant *Sesbania tomentosa*; one on the PMRF's Enhanced Capability regarding several listed birds and turtles, the Hawaiian hoary bat, Hawaiian monk seal, several whale species, and the plants *Panicum niahauense* and *Sesbania tomentosa*; one for the mountaintop surveillance sensor test integration center facility at PMRF at Barking Sands regarding several listed birds, the Hawaiian hoary bat, and the endangered plants *Panicum niahauense* and *Sesbania tomentosa*; and, one for the Navy's INRMP for PMRF at Barking Sands regarding several listed birds, a listed turtle, the Hawaiian hoary bat, and *Wilkesia hobydi*. In addition, *Panicum niahauense* and *Sesbania tomentosa* were identified as occurring in Polihale State Park, adjacent to the Naval facility. The fifth informal consultation was conducted on one listed bird, the Hawaiian hoary bat, and three plants (*Alsinidendron lychnoides*, *Dubautia latifolia*, and *Diellia erecta*) with the NRCS through their Wildlife Incentive Program for noxious weed control actions on leased cabin lots within Kokee State Park. NRCS does not anticipate the need to reinstate consultation for these on-going actions as these actions are not occurring within the areas of proposed critical habitat (Terrell Kelly, NRCS, pers. comm., 2001).

Except for the NRCS project, none of these consultations affected or concerned small entities. In all five consultations, we concurred with each agency's determination that the project, as proposed, was not likely to adversely affect listed species. None of these consultations affected or concerned small entities, and none of the proposed projects are ongoing. As a result, the requirement to reinstate consultation for ongoing projects will not affect a substantial number of small entities on Kauai.

There have been no consultations on any of these 83 species on the island of Niihau. Therefore, the requirement to reinstate consultations for ongoing projects will not affect a substantial number of small entities on Niihau.

In areas where the species is clearly not present, designation of critical habitat could trigger additional review of Federal activities under section 7 of the Act, that would otherwise not be required. We are aware of relatively few activities in the proposed critical habitat areas for these 83 plants that have Federal involvement, and thus, would require consultation or reinstatement of already completed consultations for ongoing projects. As mentioned above, we have conducted only five informal

consultations under section 7 involving any of the species. As a result, we can not easily identify future consultations that may be due to the listing of the species or the increment of additional consultations that may be required by this critical habitat designation. Therefore, for the purposes of this review and certification under the Regulatory Flexibility Act, we are assuming that any future consultations in the area proposed as critical habitat will be due to the critical habitat designations.

On Kauai, approximately 0.5 percent of the designations are on Federal lands, 66.8 percent are on State lands, and 32.7 percent are on private lands. Nearly all of the land within the critical habitat units will have limited suitability for development, land uses, and activities because of the remote locations, lack of access, and rugged terrain of these lands. Also, nearly all of this land (99.2 percent) is within the State Conservation District where State land-use controls severely limit development and most activities. Approximately 0.7 percent of this land is within the State Agricultural District, and about 0.1 percent is within the State Urban District. On non-Federal lands, activities that lack Federal involvement would not be affected by the critical habitat designations. However, activities of an economic nature that are likely to occur on non-Federal lands in the area encompassed by these proposed designations consist of improvements in State parks and communications and tracking facilities; road improvements; recreational use such as hiking, camping, picnicking, game hunting, fishing; botanical gardens; and, crop farming. On lands that are in agricultural production, the types of activities that might trigger a consultation include irrigation ditch system projects that may require section 404 authorizations from the Corps, and watershed management and restoration projects sponsored by NRCS. However the NRCS restoration projects typically are voluntary, and the irrigation ditch system projects within lands that are in agricultural production are rare, and may affect only a small percentage of the small entities within these proposed critical habitat designations.

Land that are within the State Urban District are located within undeveloped coastal areas. The types of activities that might trigger a consultation include shoreline restoration or modification projects that may require section 404 authorizations from the Corps or FEMA, housing or resort development that may require permits from the Department of Housing and Urban Development, and

activities funded or authorized by the EPA. However, we are not aware of a significant number of future activities that would be federally funded, permitted, or authorized in these coastal areas. Therefore, we conclude that the proposed rule would not affect a substantial number of small entities. We are not aware of any commercial activities on the Federal lands included in these proposed critical habitat designations.

The entire island of Niihau is under one private ownership and within the State Agricultural District. The current and projected land uses on Niihau are cattle and sheep ranching, commercial game hunting, and military exercises to train downed combat pilots on how to evade capture (DAHI 2001). The proposed rule would not affect a substantial number of small agricultural entities on the island of Niihau. Therefore, we conclude that the proposed rule would not affect a substantial number of small entities.

We also considered the likelihood that this rule would result in significant economic impacts to small entities. In general, two different mechanisms in section 7 consultations could lead to additional regulatory requirements. First, if we conclude, in a biological opinion, that a proposed action is likely to jeopardize the continued existence of a species or adversely modify its critical habitat, we can offer "reasonable and prudent alternatives." Reasonable and prudent alternatives are alternative actions that can be implemented in a manner consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that would avoid jeopardizing the continued existence of listed species or resulting in adverse modification of critical habitat. A Federal agency and an applicant may elect to implement a reasonable and prudent alternative associated with a biological opinion that has found jeopardy or adverse modification of critical habitat. An agency or applicant could alternatively choose to seek an exemption from the requirements of the Act or proceed without implementing the reasonable and prudent alternative. However, unless an exemption were obtained, the Federal agency or applicant would be at risk of violating section 7(a)(2) of the Act if it chose to proceed without implementing the reasonable and prudent alternatives. Secondly, if we find that a proposed action is not likely to jeopardize the continued existence of a listed animal species, we may identify reasonable and prudent measures designed to minimize the amount or extent of take and require

the Federal agency or applicant to implement such measures through non-discretionary terms and conditions. However, the Act does not prohibit the take of listed plant species or require terms and conditions to minimize adverse effect to critical habitat. We may also identify discretionary conservation recommendations designed to minimize or avoid the adverse effects of a proposed action on listed species or critical habitat, help implement recovery plans, or to develop information that could contribute to the recovery of the species.

Based on our experience with section 7 consultations for all listed species, virtually all projects—including those that, in their initial proposed form, would result in jeopardy or adverse modification determinations in section 7 consultations—can be implemented successfully with, at most, the adoption of reasonable and prudent alternatives. These measures must be economically feasible and within the scope of authority of the Federal agency involved in the consultation. As we have a very limited consultation history for these 83 species from Kauai and Niihau, we can only describe the general kinds of actions that may be identified in future reasonable and prudent alternatives. These are based on our understanding of the needs of these species and the threats they face, especially as described in the final listing rule and in this proposed critical habitat designation, as well as our experience with similar listed plants in Hawaii. In addition, all of these species are protected under the State of Hawaii's Endangered Species Act (Hawaii Revised Statutes, Chap. 195D–4). Therefore, we have also considered the kinds of actions required under the State licensing process for these species. The kinds of actions that may be included in future reasonable and prudent alternatives include conservation set-asides, management of competing non-native species, restoration of degraded habitat, propagation, outplanting and augmentation of existing populations, construction of protective fencing, and periodic monitoring. These measures are not likely to result in a significant economic impact to a substantial number of small entities because there are not a substantial number of small entities affected.

As required under section 4(b)(2) of the Act, we will conduct an analysis of the potential economic impacts of this proposed critical habitat designation, and will make that analysis available for public review and comment before finalizing these designations. In the absence of a revised economic analysis

at this time, we have reviewed our previously available draft economic analysis of the likely economic impacts of designating critical habitat for 76 plants from the islands of Kauai and Niihau (66 FR 13691). In that analysis, which included proposed designations of critical habitat within 23 units on 24,349 ha (60,166 ac) on Kauai and 191 ha (471 ac) on Niihau, we determined that the designations would have modest economic impacts because nearly all of the land within the critical habitat units has limited suitability for development, land uses, and activities because of the remote locations, lack of access, and rugged terrain, of the land, and their inclusion within the State Conservation District where State land-use controls severely limit development and most activities. The proposed critical habitat designations were expected to cause little or no increase in the number of section 7 consultations; few, if any, increases in costs associated with consultations; and few, if any delays in, or modifications to planned projects, land uses and activities).

In general, two different mechanisms in section 7 consultations could lead to additional regulatory requirements. First, if we conclude, in a biological opinion, that a proposed action is likely to jeopardize the continued existence of a species or adversely modify its critical habitat, we can offer “reasonable and prudent alternatives.” Reasonable and prudent alternatives are alternative actions that can be implemented in a manner consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that would avoid jeopardizing the continued existence of listed species or resulting in adverse modification of critical habitat. A Federal agency and an applicant may elect to implement a reasonable and prudent alternative associated with a biological opinion that has found jeopardy or adverse modification of critical habitat. An agency or applicant could alternatively choose to seek an exemption from the requirements of the Act or proceed without implementing the reasonable and prudent alternative. However, unless an exemption were obtained, the Federal agency or applicant would be at risk of violating section 7(a)(2) of the Act if it chose to proceed without implementing the reasonable and prudent alternatives. Secondly, if we find that a proposed action is not likely to jeopardize the continued existence of a listed animal species, we may identify reasonable and prudent measures designed to minimize the amount or extent of take and require

the Federal agency or applicant to implement such measures through non-discretionary terms and conditions. However, the Act does not prohibit the take of listed plant species or require terms and conditions to minimize adverse effect to critical habitat. We may also identify discretionary conservation recommendations designed to minimize or avoid the adverse effects of a proposed action on listed species or critical habitat, help implement recovery plans, or to develop information that could contribute to the recovery of the species.

Based on our experience with section 7 consultations for all listed species, virtually all projects—including those that, in their initial proposed form, would result in jeopardy or adverse modification determinations in section 7 consultations—can be implemented successfully with, at most, the adoption of reasonable and prudent alternatives. These measures, by definition, must be economically feasible and within the scope of authority of the Federal agency involved in the consultation.

In summary, we have considered whether this proposed rule would result in a significant economic effect on a substantial number of small entities. It would not affect a substantial number of small entities. Approximately 67 percent of the lands proposed as critical habitat are on State of Hawaii lands. The State of Hawaii is not a small entity. Approximately 33 percent of the lands proposed as critical habitat are on private lands. Many of these parcels are located in areas where likely future land uses are not expected to result in Federal involvement or section 7 consultations. As discussed earlier, most of the private and State parcels within the proposed designation are currently being used for recreational and agricultural purposes and, therefore, are not likely to require any Federal authorization. In the remaining areas, Federal involvement—and thus section 7 consultations, the only trigger for economic impact under this rule—would be limited to a subset of the area proposed. The most likely future section 7 consultations resulting from this rule would be for informal consultations on federally funded land and water conservation projects, species-specific surveys and research projects, and watershed management and restoration projects sponsored by NRCS. These consultations would likely occur on only a subset of the total number of parcels and therefore not likely to affect a substantial number of small entities. This rule would result in project modifications only when proposed Federal activities would destroy or

adversely modify critical habitat. While this may occur, it is not expected frequently enough to affect a substantial number of small entities. Even when it does occur, we do not expect it to result in a significant economic impact, as the measures included in reasonable and prudent alternatives must be economically feasible and consistent with the proposed action. Therefore, since we are certifying that the proposed designation of critical habitat for the following species: *Adenophorus periens*, *Alectryon macrococcus*, *Alsinidendron lychnoides*, *Alsinidendron viscosum*, *Bonamia menziesii*, *Brighamia insignis*, *Centaurium sebaeoides*, *Chamaesyce halemanui*, *Ctenitis squamigera*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyanea undulata*, *Cyperus trachysanthos*, *Cyrtandra cyaneoides*, *Cyrtandra limahuliensis*, *Delissea rhytidosperra*, *Delissea rivularis*, *Delissea undulata*, *Diellia erecta*, *Diellia pallida*, *Diplazium molokaiense*, *Dubautia latifolia*, *Dubautia pauciflora*, *Euphorbia haeleleana*, *Exocarpos luteolus*, *Flueggea neowawraea*, *Gouania meyenii*, *Hedyotis cookiana*, *Hedyotis st.-johnii*, *Hesperomannia lydgatei*, *Hibiscadelphus woodii*, *Hibiscus clayi*, *Hibiscus waimeae* ssp. *hannerae*, *Ischaemum byrone*, *Isodendron laurifolium*, *Isodendron longifolium*, *Kokia kauaiensis*, *Labordia lydgatei*, *Labordia tinifolia* var. *wahiawaensis*, *Lipochaeta fauriei*, *Lipochaeta micrantha*, *Lipochaeta waimeae*, *Lobelia niihauensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Melicope haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothocestrum peltatum*, *Panicum niihauense*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia knudsenii*, *Phyllostegia waimeae*, *Phyllostegia wawrana*, *Plantago princeps*, *Platanthera holochila*, *Poa mannii*, *Poa sandwicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*, *Schiedea apokremnos*, *Schiedea helleri*, *Schiedea kauaiensis*, *Schiedea membranacea*, *Schiedea nuttallii*, *Schiedea spargulina* var. *leiopoda*, *Schiedea spargulina* var. *spargulina*, *Schiedea stellarioides*, *Sesbania tomentosa*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne campanulata*, *Viola helenae*, *Viola kauaiensis* var. *wahiawaensis*, *Wilkesia hobbii*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense* will not have a significant economic impact on a

substantial number of small entities, and an initial regulatory flexibility analysis is not required. However, should the revised economic analysis of this rule indicate otherwise, we will revisit this determination.

#### Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Although this rule is a significant regulatory action under Executive Order 12866, it is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

#### Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

a. We believe this rule, as proposed, will not “significantly or uniquely” affect small governments. A Small Government Agency Plan is not required. Small governments will not be affected unless they propose an action requiring Federal funds, permits or other authorizations. Any such activities will require that the Federal agency ensure that the action will not adversely modify or destroy designated critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated to result from critical habitat designation of occupied areas. In our economic analysis, we will evaluate any impact of designating areas where section 7 consultations would not have occurred but for the critical habitat designation.

b. This rule, as proposed, will not produce a Federal mandate on State or local governments or the private sector of \$100 million or greater in any year, that is, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

#### Takings

In accordance with Executive Order 12630 (“Government Actions and Interference with Constitutionally Protected Private Property Rights”), we have analyzed the potential takings implications of designating critical habitat for the 83 species from Kauai and Niihau in a preliminary takings

implication assessment. The takings implications assessment concludes that this proposed rule does not pose significant takings implications. Once the revised economic analysis is completed for this proposed rule, we will review and revise this preliminary assessment as warranted.

#### Federalism

In accordance with Executive Order 13132, the proposed rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of Interior policy, we requested information from appropriate State agencies in Hawaii. The designation of critical habitat in areas currently occupied by one or more of the 83 plant species imposes no additional restrictions to those currently in place, and, therefore, has little incremental impact on State and local governments and their activities. The designation of critical habitat in unoccupied areas may require section 7 consultation on non Federal lands (where a Federal nexus occurs) that might otherwise not have occurred. However, there will be little additional impact on State and local governments and their activities because all but one of the proposed critical habitat areas are occupied by at least one species. The designations may have some benefit to these governments in that the areas essential to the conservation of these species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long range planning, rather than waiting for case-by-case section 7 consultation to occur.

#### Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order. We are proposing to designate critical habitat in accordance with the provisions of the Endangered Species Act. The rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the 83 plant species.

#### Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

This rule does not contain any new collections of information that require

approval by OMB under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

### National Environmental Policy Act

We have determined we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. We published a notice outlining our reason for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This proposed determination does not constitute a major Federal action significantly affecting the quality of the human environment.

### Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) E.O. 13175 and 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of these 83 plant species. Therefore, designation of critical habitat for these 83 species has not been proposed on Tribal lands.

### References Cited

A complete list of all references cited in this proposed rule is available upon request from the Pacific Islands Office (see **ADDRESSES** section).

### Authors

The primary authors of this notice are Marigold Zoll, Gregory Koob, Christa Russell, and Michelle Stephens (see **ADDRESSES** section).

### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

### Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.12(h) revise the entries for "*Alectryon macrococcus*, *Alsinidendron lychnoides*, *Alsinidendron viscosum*, *Bonamia menziesii*, *Brighamia insignis*, *Centaurium sebaeoides*, *Chamaesyce halemanui*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyanea undulata*, *Cyperus trachysanthos*, *Cyrtandra cyaneoides*, *Cyrtandra limahuliensis*, *Delissea rhytidosperra*, *Delissea rivularis*, *Delissea undulata*, *Dubautia latifolia*, *Dubautia pauciflora*, *Euphorbia haeleleana*, *Exocarpos luteolus*, *Flueggea neowawraea*, *Gouania meyenii*, *Hedyotis cookiana*,

*Hedyotis st.-johnii*, *Hesperomannia lydgatei*, *Hibiscadelphus woodii*, *Hibiscus clayi*, *Hibiscus waimeae* ssp. *hannerae*, *Ischaemum byrone*, *Isodendron laurifolium*, *Isodendron longifolium*, *Kokia kauaiensis*, *Labordia lydgatei*, *Labordia tinifolia* var. *wahiawaensis*, *Lipochaeta fauriei*, *Lipochaeta micrantha*, *Lipochaeta waimeae*, *Lobelia niihauensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Melicope haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothocestrum peltatum*, *Panicum niihauense*, *Peucedanum sandwicense*, *Phyllostegia knudsenii*, *Phyllostegia waimeae*, *Phyllostegia wawrana*, *Plantago princeps*, *Platanthera holochila*, *Poa mannii*, *Poa sandwicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*, *Schiedea apokremnos*, *Schiedea helleri*, *Schiedea kauaiensis*, *Schiedea membranacea*, *Schiedea nuttallii*, *Schiedea spargulina* var. *leiopoda*, *Schiedea spargulina* var. *spargulina*, *Schiedea stellarioides*, *Sesbania tomentosa*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne campanulata*, *Viola helenae*, *Viola kauaiensis* var. *wahiawaensis*, *Wilkesia hobbii*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense*" under "FLOWERING PLANTS" and "Adenophorus periens", *Ctenitis squamigera*, *Diellia erecta*, *Diellia pallida*, *Diplazium molokaiense*, and *Phlegmariurus nutans* " under "FERNS AND ALLIES" to read as follows:

### § 17.12 Endangered and threatened plants.

\* \* \* \* \*

(h) \* \* \*

Species—Scientific name	Common name	Historic range	Family	Status	When listed	Critical habitat	Special rules
FLOWERING PLANTS							
* * * * *							
<i>Alectryon macrococcus</i> .....	Mahoe .....	U.S.A. (HI)	Sapindaceae .....	E ...	467	17.96(a)	NA
* * * * *							
<i>Alsinidendron lychnoides</i> .....	Kuawawaenohu ..	U.S.A. (HI)	Caryophyllaceae .....	E ...	590	17.96(a)	NA
* * * * *							
<i>Alsinidendron viscosum</i> .....	None .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	590	17.96(a)	NA
* * * * *							
<i>Bonamia menziesii</i> .....	None .....	U.S.A. (HI)	Convolvulaceae .....	E ...	559	17.96(a)	NA
* * * * *							
<i>Brighamia insignis</i> .....	Olulu .....	U.S.A. (HI)	Campanulaceae .....	E ...	530	17.96(a)	NA
* * * * *							
<i>Centaurium sebaeoides</i> .....	Awiwi .....	U.S.A. (HI)	Gentianaceae .....	E ...	448	17.96(a)	NA

Species—Scientific name	Common name	Historic range	Family	Status	When listed	Critical habitat	Special rules
<i>Chamaesyce halemanui</i> .....	None .....	U.S.A. (HI)	Euphorbiaceae .....	E ...	464	17.96(a)	NA
<i>Cyanea asarifolia</i> .....	Haha .....	U.S.A. (HI)	Campanulaceae .....	E ...	530	17.96(a)	NA
<i>Cyanea recta</i> .....	Haha .....	U.S.A. (HI)	Campanulaceae .....	T ...	590	17.96(a)	NA
<i>Cyanea remyi</i> .....	Haha .....	U.S.A. (HI)	Campanulaceae .....	E ...	590	17.96(a)	NA
<i>Cyanea undulata</i> .....	None .....	U.S.A. (HI)	Campanulaceae .....	E ...	436	17.96(a)	NA
<i>Cyperus trachysanthos</i> .....	Puukaa .....	U.S.A. (HI)	Cyperaceae .....	E ...	592	17.96(a)	NA
<i>Cyrtandra cyaneoides</i> .....	Mapele .....	U.S.A. (HI)	Gesneriaceae .....	E ...	590	17.96(a)	NA
<i>Cyrtandra limahuliensis</i> .....	Haiwale .....	U.S.A. (HI)	Gesneriaceae .....	T ...	530	17.96(a)	NA
<i>Delissea rhytidosperra</i> .....	None .....	U.S.A. (HI)	Campanulaceae .....	E ...	530	17.96(a)	NA
<i>Delissea rivularis</i> .....	Oha .....	U.S.A. (HI)	Campanulaceae .....	E ...	590	17.96(a)	NA
<i>Delissea undulata</i> .....	None .....	U.S.A. (HI)	Campanulaceae .....	E ...	593	17.96(a)	NA
<i>Dubautia latifolia</i> .....	Naenae .....	U.S.A. (HI)	Asteraceae .....	E ...	464	17.96(a)	NA
<i>Dubautia pauciflora</i> .....	Naenae .....	U.S.A. (HI)	Asteraceae .....	E ...	436	17.96(a)	NA
<i>Euphorbia haeleeleana</i> .....	Akoko .....	U.S.A. (HI)	Euphorbiaceae .....	E ...	592	17.96(a)	NA
<i>Exocarpos luteolus</i> .....	Heau .....	U.S.A. (HI)	Santalaceae .....	E ...	530	17.96(a)	NA
<i>Flueggea neowawraea</i> .....	Mehamehame .....	U.S.A. (HI)	Euphorbiaceae .....	E ...	559	17.96(a)	NA
<i>Gouania meyenii</i> .....	None .....	U.S.A. (HI)	Rhamnaceae .....	E ...	448	17.96(a)	NA
<i>Hedyotis cookiana</i> .....	Awiiwi .....	U.S.A. (HI)	Rubiaceae .....	E ...	530	17.96(a)	NA
<i>Hedyotis st-johnii</i> .....	Na Pali beach hedyotis.	U.S.A. (HI)	Rubiaceae .....	E ...	441	17.96(a)	NA
<i>Hesperomannia lydgatei</i> .....	None .....	U.S.A. (HI)	Asteraceae .....	E ...	436	17.96(a)	NA
<i>Hibiscadelphus woodii</i> .....	Hau kuahiwi .....	U.S.A. (HI)	Malvaceae .....	E ...	590	17.96(a)	NA
<i>Hibiscus clayi</i> .....	Clay's hibiscus .....	U.S.A. (HI)	Malvaceae .....	E ...	530	17.96(a)	NA
<i>Hibiscus waimeae hanneriae</i> spp.	Kokio keokeo .....	U.S.A. (HI)	Malvaceae .....	E ...	590	17.96(a)	NA
<i>Ischaemum byrone</i> .....	Hilo ischaemum ..	U.S.A. (HI)	Poaceae .....	E ...	532	17.96(a)	NA

Species—Scientific name	Common name	Historic range	Family	Status	When listed	Critical habitat	Special rules
<i>Isodendron laurifolium</i> .....	Aupaka .....	U.S.A. (HI)	Violaceae .....	E ...	592	17.96(a)	NA
<i>Isodendron longifolium</i> .....	Aupaka .....	U.S.A. (HI)	Violaceae .....	T ...	592	17.96(a)	NA
<i>Kokia kauaiensis</i> .....	Kokio .....	U.S.A. (HI)	Malvaceae .....	E ...	590	17.96(a)	NA
<i>Labordia lydgatei</i> .....	Kamakahala .....	U.S.A. (HI)	Loganiaceae .....	E ...	436	17.96(a)	NA
<i>Labordia tinifolia</i> var. <i>wahiawaensis</i> .	Kamakahala .....	U.S.A. (HI)	Loganiaceae .....	E ...	590	17.96(a)	NA
<i>Lipochaeta fauriei</i> .....	Nehe .....	U.S.A. (HI)	Asteraceae .....	E ...	530	17.96(a)	NA
<i>Lipochaeta micrantha</i> .....	Nehe .....	U.S.A. (HI)	Asteraceae .....	E ...	530	17.96(a)	NA
<i>Lipochaeta waimeaensis</i> .....	Nehe .....	U.S.A. (HI)	Asteraceae .....	E ...	530	17.96(a)	NA
<i>Lobelia niihauensis</i> .....	None .....	U.S.A. (HI)	Campanulaceae .....	E ...	448	17.96(a)	NA
<i>Lysimachia filifolia</i> .....	None .....	U.S.A. (HI)	Primulaceae .....	E ...	530	17.96(a)	NA
<i>Mariscus pennatifolius</i> .....	None .....	U.S.A. (HI)	Cyperaceae .....	E ...	559	17.96(a)	NA
<i>Melicope haupuensis</i> .....	Alani .....	U.S.A. (HI)	Rutaceae .....	E ...	530	17.96(a)	NA
<i>Melicope knudsenii</i> .....	Alani .....	U.S.A. (HI)	Rutaceae .....	E ...	530	17.96(a)	NA
<i>Melicope pallida</i> .....	Alani .....	U.S.A. (HI)	Rutaceae .....	E ...	530	17.96(a)	NA
<i>Munroidendron racemosum</i> .....	None .....	U.S.A. (HI)	Araliaceae .....	E ...	530	17.96(a)	NA
<i>Myrsine linearifolia</i> .....	Kolea .....	U.S.A. (HI)	Myrsinaceae .....	T ...	590	17.96(a)	NA
<i>Nothocestrum peltatum</i> .....	Aiea .....	U.S.A. (HI)	Solanaceae .....	E ...	530	17.96(a)	NA
<i>Panicum niihauense</i> .....	Lau ehu .....	U.S.A. (HI)	Poaceae .....	E ...	592	17.96(a)	NA
<i>Peucedanum sandwicense</i> .....	Makou .....	U.S.A. (HI)	Apiaceae .....	T ...	530	17.96(a)	NA
<i>Phyllostegia knudsenii</i> .....	None .....	U.S.A. (HI)	Lamiaceae .....	E ...	590	17.96(a)	NA
<i>Phyllostegia waimeae</i> .....	None .....	U.S.A. (HI)	Lamiaceae .....	E ...	530	17.96(a)	NA
<i>Phyllostegia wawrana</i> .....	None .....	U.S.A. (HI)	Lamiaceae .....	E ...	590	17.96(a)	NA
<i>Plantago princeps</i> .....	Laukahi kuahiwi ..	U.S.A. (HI)	Plantaginaceae .....	E ...	559	17.96(a)	NA
<i>Platanthera holochila</i> .....	None .....	U.S.A. (HI)	Orchidaceae .....	E ...	592	17.96(a)	NA



Species—Scientific name	Common name	Historic range	Family	Status	When listed	Critical habitat	Special rules
<i>Poa mannii</i> .....	Mann's bluegrass	U.S.A. (HI)	Poaceae .....	E ...	558	17.96(a)	NA
<i>Poa sandvicensis</i> .....	Hawaiian bluegrass.	U.S.A. (HI)	Poaceae .....	E ...	464	17.96(a)	NA
<i>Poa siphonoglossa</i> .....	None .....	U.S.A. (HI)	Poaceae .....	E ...	464	17.96(a)	NA
<i>Pteralyxia kauaiensis</i> .....	Kaulu .....	U.S.A. (HI)	Apocynaceae .....	E ...	530	17.96(a)	NA
<i>Remya kauaiensis</i> .....	None .....	U.S.A. (HI)	Asteraceae .....	E ...	413	17.96(a)	NA
<i>Remya montgomeryi</i> .....	None .....	U.S.A. (HI)	Asteraceae .....	E ...	413	17.96(a)	NA
<i>Schiedea apokremnos</i> .....	Maolioli .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	441	17.96(a)	NA
<i>Schiedea helleri</i> .....	None .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	590	17.96(a)	NA
<i>Schiedea kauaiensis</i> .....	None .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	592	17.96(a)	NA
<i>Schiedea membranacea</i> .....	None .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	590	17.96(a)	NA
<i>Schiedea nuttallii</i> .....	None .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	592	17.96(a)	NA
<i>Schiedea spergulina</i> var. <i>leiopoda</i> .	None .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	530	17.96(a)	NA
<i>Schiedea spergulina</i> var. <i>spergulina</i> .	None .....	U.S.A. (HI)	Caryophyllaceae .....	T ...	530	17.96(a)	NA
<i>Schiedea stellarioides</i> (=Maolioli).	Laulihili .....	U.S.A. (HI)	Caryophyllaceae .....	E ...	590	17.96(a)	NA
<i>Sesbania tomentosa</i> .....	Ohai .....	U.S.A. (HI)	Fabaceae .....	E ...	559	17.96(a)	NA
<i>Solanum sandwicense</i> .....	Aiakeakua, popolo.	U.S.A. (HI)	Solanaceae .....	E ...	530	17.96(a)	NA
<i>Spermolepis hawaiiensis</i> .....	None .....	U.S.A. (HI)	Apiaceae .....	E ...	559	17.96(a)	NA
<i>Stenogyne campanulata</i> .....	None .....	U.S.A. (HI)	Lamiaceae .....	E ...	464	17.96(a)	NA
<i>Viola helenae</i> .....	None .....	U.S.A. (HI)	Violaceae .....	E ...	436	17.96(a)	NA
<i>Viola kauaiensis</i> var. <i>wahiawaensis</i> .	Nani wai ale ale ..	U.S.A. (HI)	Violaceae .....	E ...	590	17.96(a)	NA
<i>Wilkesia hobdyi</i> .....	Dwarf iliau .....	U.S.A. (HI)	Asteraceae .....	E ...	473	17.96(a)	NA
<i>Xylosma crenatum</i> .....	None .....	U.S.A. (HI)	Flacourtiaceae .....	E ...	464	17.96(a)	NA

Species—Scientific name	Common name	Historic range	Family	Status	When listed	Critical habitat	Special rules
* * * <i>Zanthoxylum hawaiiense</i> .....	Ae .....	U.S.A. (HI)	Rutaceae .....	E ...	532	17.96(a)	NA
* * * FERNS AND ALLIES							
<i>Adenophorus periens</i> .....	Pendant kihi fern	U.S.A. (HI)	Grammitidaceae .....	E ...	559	17.96(a)	NA
* * * <i>Ctenitis squamigera</i> .....	Pauoa .....	U.S.A. (HI)	Aspleniaceae .....	E ...	553	17.96(a)	NA
* * * <i>Diellia erecta</i> .....	Asplenium-leaved diellia.	U.S.A. (HI)	Aspleniaceae .....	E ...	559	17.96(a)	NA
* * * <i>Diellia pallida</i> .....	None .....	U.S.A. (HI)	Aspleniaceae .....	E ...	530	17.96(a)	NA
* * * <i>Diplazium molokaiense</i> .....	None .....	U.S.A. (HI)	Aspleniaceae .....	E ...	553	17.96(a)	NA
* * * <i>Phlegmariurus nutans</i> .....	Wawae iole .....	U.S.A. (HI)	Lycopodiaceae .....	E ...	536	17.96(a)	NA
* * *							

3. In § 17.96, as proposed to be amended at 65 FR 66865, November 7, 2000, add introductory text to paragraph (a)(1)(i), and revise paragraphs (a)(1)(i)(A) and (a)(1)(i)(B) to read as follows:

**§ 17.96 Critical habitat—plants.**

(a) \* \* \*

(1) \* \* \*

(i) *Maps and critical habitat unit descriptions.* The following sections

contain the legal descriptions of the critical habitat units designated for each of the Hawaiian Islands. Existing features and structures within proposed areas, such as buildings, roads, aqueducts, telecommunications equipment, telemetry antennas, radars, missile launch sites, arboreta and gardens, heiau (indigenous places of worship or shrines), and other man-made features, do not contain, and are not likely to develop, the constituent




elements described for each species in paragraphs (a)(1)(ii)(A) and (a)(1)(ii)(B) of this section. Therefore, these features or structures are not critical habitat.

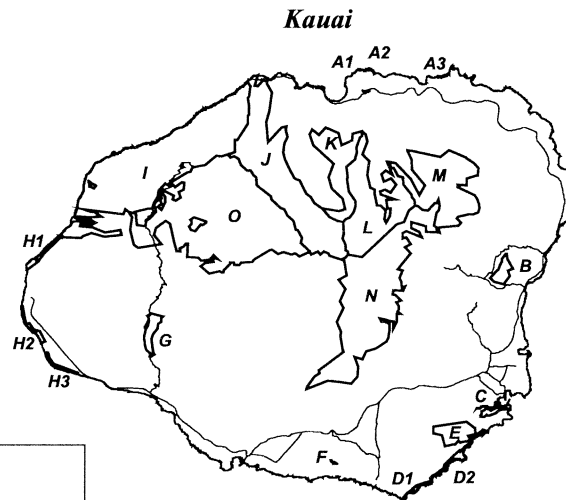
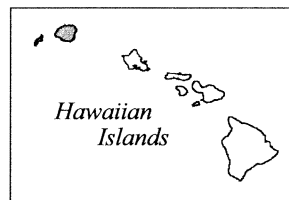
(A) *Kauai.* Critical habitat units are described below. Coordinates in UTM Zone 4 with units in meters using North American Datum of 1983 (NAD83). The following map shows the general locations of the 15 critical habitats units designated on the island of Kauai.

(1) **Note:** Map 1—Index map follows:

**Map 1**  
**General Locations of**  
**Units for 83 Species of Plants**

**Islands of Kauai and Niihau**

-  Proposed  
Critical Habitat Area
-  Major Roads
-  Coastline



(2) Kauai A1 (2 ha; 6 ac):

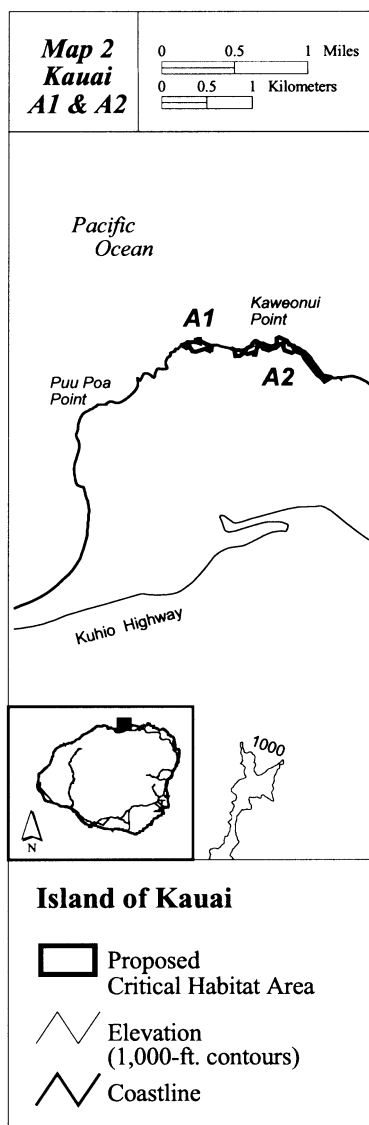
(i) Unit consists of the following 10 boundary points and the intermediate coastline: 450111, 2458178; 450040, 2458211; 449937, 2458177; 449899, 2458187; 449875, 2458235; 449837, 2458220; 449804, 2458237; 449797, 2458256; 450118, 2458243; 450111, 2458178.

(ii) **Note:** See Map 2.

(3) Kauai A2 (6 ha; 16 ac):

(i) Unit consists of the following 29 boundary points and the intermediate coastline: 451432, 2457896; 451355, 2457848; 451317, 2457895; 451277, 2457919; 451132, 2458101; 451110, 2458153; 451031, 2458185; 450999, 2458165; 450916, 2458191; 450900, 2458226; 450902, 2458273; 450852, 2458252; 450818, 2458217; 450778, 2458211; 450737, 2458190; 450679, 2458208; 450673, 2458233; 450650, 2458236; 450636, 2458255; 450615, 2458247; 450600, 2458145; 450574, 2458143; 450568, 2458168; 450506, 2458152; 450472, 2458173; 450420, 2458129; 450376, 2458129; 450360, 2458202; 451432, 2457896.

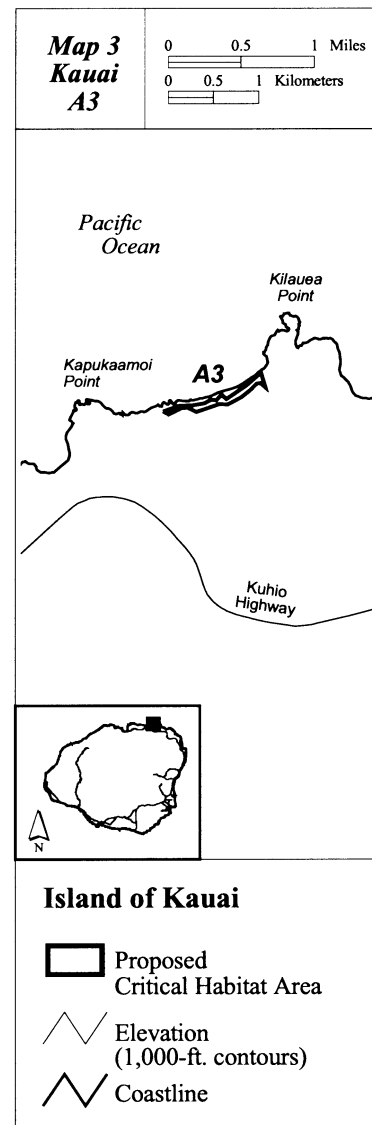
(ii) **Note:** Map 2 follows:



(4) Kauai A3 (6 ha; 16 ac):

(i) Unit consists of the following 22 boundary points: 457168, 2457531; 457342, 2457591; 457498, 2457593; 457625, 2457613; 457697, 2457660; 457754, 2457649; 457811, 2457710; 457865, 2457661; 458080, 2457809; 458248, 2457952; 458296, 2457792; 458241, 2457839; 458199, 2457830; 458122, 2457761; 458032, 2457682; 457883, 2457600; 457794, 2457610; 457536, 2457524; 457441, 2457569; 457364, 2457561; 457230, 2457492; 457168, 2457531.

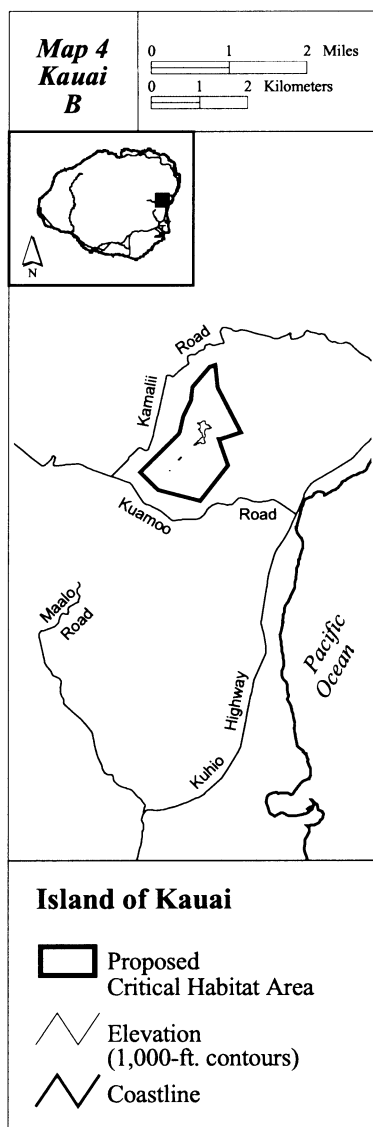
(ii) **Note:** Map 3 follows:



(5) Kauai B (271 ha; 669 ac):

(i) Unit consists of the following 16 boundary points: 462951, 2439791; 463026, 2440139; 463194, 2440476; 463197, 2440513; 463212, 2440748; 463578, 2441162; 463693, 2441201; 463739, 2440731; 464227, 2439803; 463785, 2439663; 463768, 2439658; 463960, 2439113; 463380, 2438382; 462504, 2438614; 462139, 2438979; 462951, 2439791.

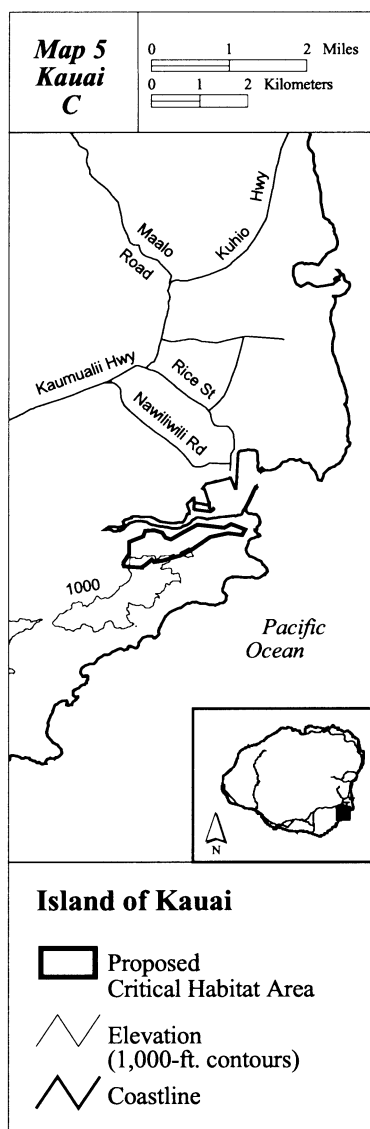
(ii) **Note:** Map 4 follows:



(6) Kauai C (97 ha; 239 ac):

(i) Unit consists of the following 32 boundary points: 461253, 2426125; 461390, 2426310; 461387, 2426567; 461678, 2426687; 461714, 2426795; 461907, 2426808; 462068, 2426762; 462130, 2426658; 462247, 2426612; 462487, 2426760; 462793, 2426916; 463349, 2426860; 463493, 2426936; 463781, 2426818; 463743, 2426750; 463719, 2426707; 463425, 2426746; 463363, 2426733; 463062, 2426671; 462693, 2426409; 462532, 2426329; 462422, 2426274; 462417, 2426272; 462234, 2426225; 462055, 2426178; 461911, 2426141; 461862, 2426197; 461719, 2426089; 461655, 2426041; 461649, 2426036; 461289, 2426053; 461253, 2426125.

(ii) **Note:** Map 5 follows:



(7) Kauai D1 (14 ha; 35 ac):

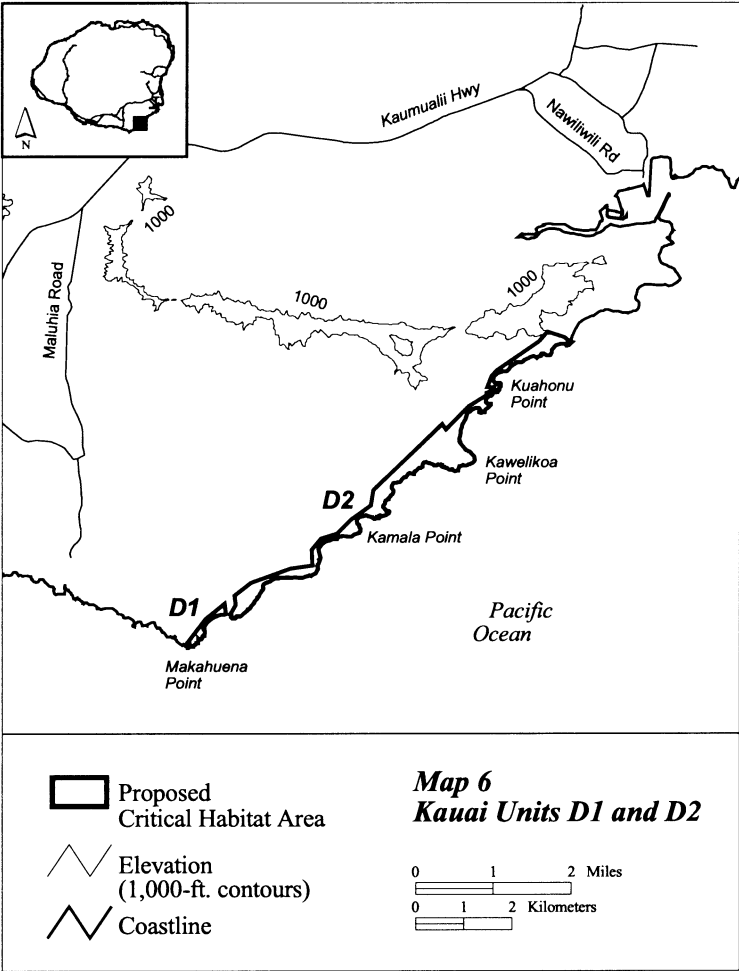
(i) Unit consists of the following 5 boundary points and the intermediate coastline: 454015, 2418349; 454018, 2418363; 454442, 2418909; 454833, 2419220; 454863, 2419007.

(ii) **Note:** See Map 6.

(8) Kauai D2 (240 ha; 594 ac):

(i) Unit consists of the following 30 boundary points and the intermediate coastline: 455383, 2419661; 456197, 2419949; 456652, 2420011; 456632, 2420344; 456832, 2420571; 457154, 2420676; 457451, 2420968; 457851, 2421259; 457907, 2421577; 458908, 2422538; 459329, 2422943; 459406, 2422835; 459880, 2423311; 460246, 2423542; 460249, 2423591; 460406, 2423648; 460400, 2423702; 460256, 2423702; 460348, 2423941; 460461, 2424061; 461318, 2424658; 461502, 2424866; 461855, 2424745; 461990, 2424632; 454952, 2418994; 455018, 2419106; 455066, 2419201; 455056, 2419302; 455037, 2419384; 455383, 2419661.

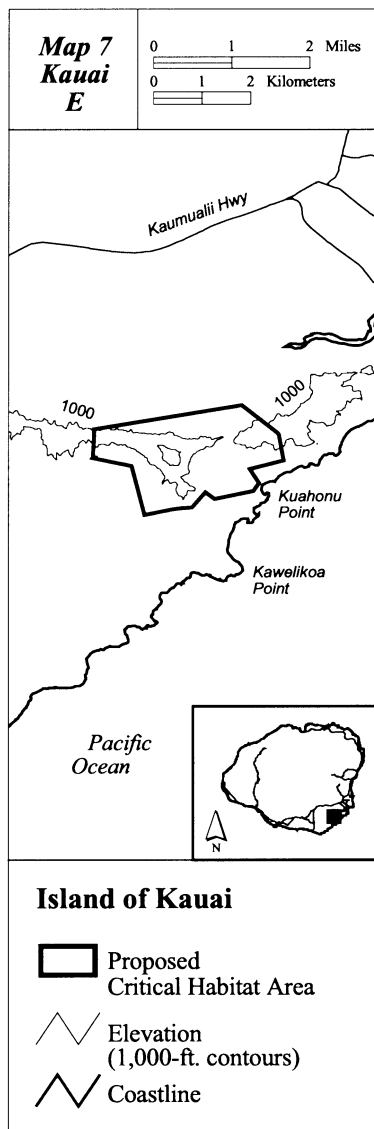
(ii) **Note:** Map 6 follows:



(9) Kauai E (563 ha; 1,390 ac):

(i) Unit consists of the following 21 boundary points: 456926, 2424980; 456931, 2425122; 459982, 2425617; 460718, 2425043; 460747, 2425021; 460838, 2424471; 460139, 2424297; 460339, 2424005; 460222, 2423839; 459424, 2423673; 459236, 2423816; 458949, 2423502; 458737, 2423478; 458542, 2423456; 458541, 2423457; 457976, 2423340; 457712, 2424357; 456908, 2424519; 456913, 2424541; 456911, 2424542; 456926, 2424980.

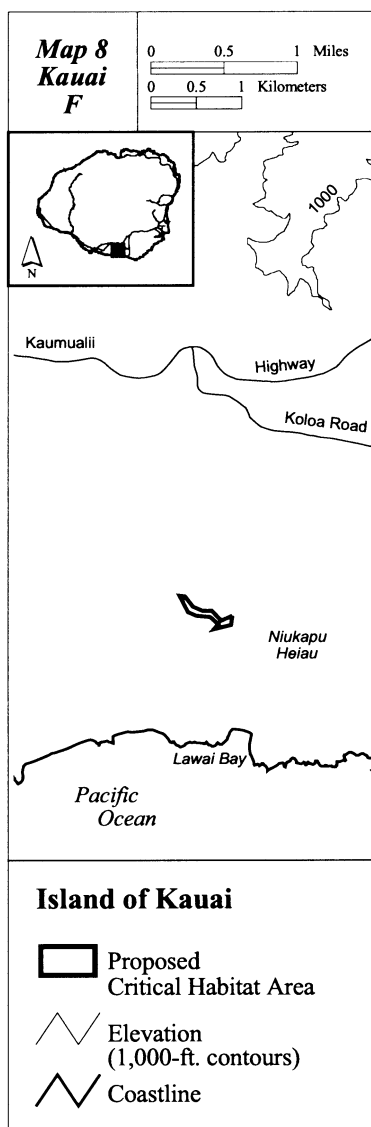
(ii) Note: Map 7 follows:



(10) Kauai F (5 ha; 12 ac):

(i) Unit consists of the following 14 boundary points: 447961, 2421793; 447951, 2421694; 447757, 2421647; 447804, 2421699; 447721, 2421781; 447569, 2421791; 447473, 2421836; 447380, 2422014; 447443, 2422008; 447527, 2421894; 447636, 2421848; 447736, 2421847; 447843, 2421739; 447961, 2421793.

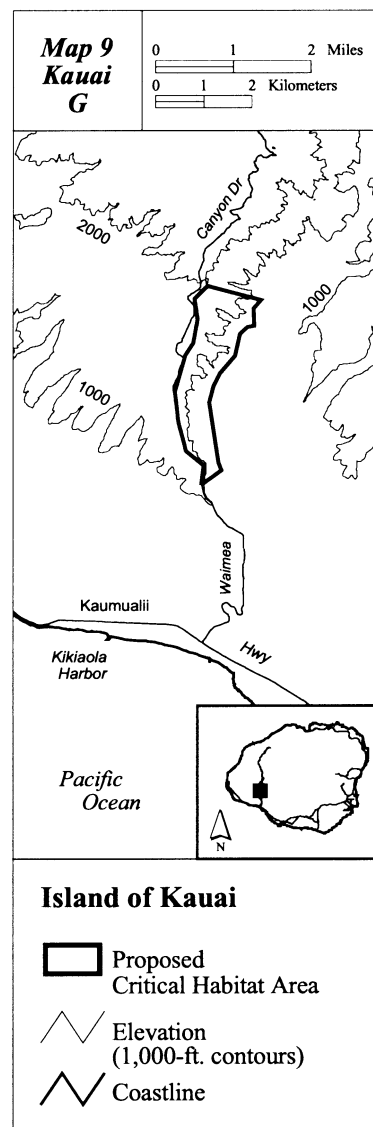
(ii) Note: Map 8 follows:



(11) Kauai G (317 ha; 784 ac):

(i) Unit consists of the following 28 boundary points: 430576, 2431555; 430622, 2431957; 430275, 2432253; 430256, 2432269; 430228, 2432381; 430120, 2432802; 430088, 2432926; 430087, 2432937; 430073, 2433073; 430051, 2433291; 430032, 2433480; 430239, 2434243; 430413, 2434499; 430495, 2434992; 430433, 2435411; 430703, 2435680; 431807, 2435389; 431657, 2435218; 431661, 2434861; 431524, 2434832; 431378, 2434688; 431271, 2434232; 430955, 2433867; 430825, 2433606; 430743, 2433270; 430926, 2432023; 430997, 2431853; 430576, 2431555.

(ii) Note: Map 9 follows:



(12) Kauai H1 (138 ha; 341 ac):

(i) Unit consists of the following 21 boundary points and the intermediate coastline: 422157, 2442895; 422253, 2442799; 422313, 2442829; 422340, 2442802; 422267, 2442675; 420764, 2441227; 420336, 2440626; 420237, 2440644; 420191, 2440681; 420140, 2440696; 420065, 2440682; 420011, 2440623; 420030, 2440550; 420059, 2440472; 420121, 2440503; 420131, 2440566; 420224, 2440562; 420256, 2440546; 420246, 2440519; 419159, 2439682; 422157, 2442895.

(ii) Note: See Map 10.

(13) Kauai H2 (107 ha; 265 ac):

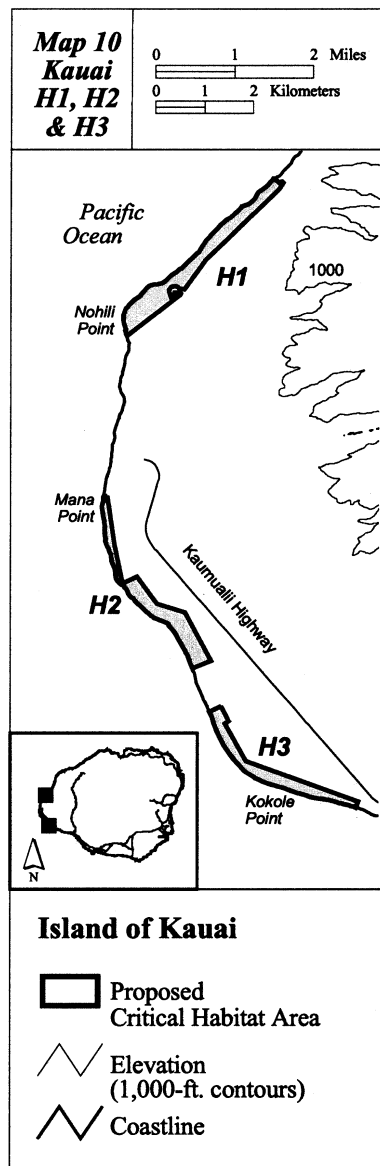
(i) Unit consists of the following 10 boundary points and the intermediate coastline: 418768, 2436406; 418924, 2435411; 419092, 2434621; 419386, 2434766; 419792, 2434204; 420366, 2434018; 420895, 2433034; 420508, 2432883; 418693, 2436403; 418768, 2436406.

(ii) Note: See Map 10.

(14) Kauai H3 (84 ha; 206 ac):

(i) Unit consists of the following 9 boundary points and the intermediate coastline: 421100, 2432099; 421251, 2431804; 421178, 2431753; 421599, 2430981; 423896, 2430158; 423847, 2430037; 423847, 2430037; 420858, 2431995; 421100, 2432099.

(ii) **Note:** Map 10 follows:



(15) Kauai I (8,237 ha; 20,355 ac):

(i) Unit consists of the following 69 boundary points: 431369, 2447027; 431298, 2446522; 430955, 2445963; 430827, 2445619; 430759, 2445406; 430405, 2445422; 429208, 2445113; 429227, 2444972; 428580, 2445127; 428254, 2445343; 428120, 2444908; 424377, 2445349; 425013, 2445087; 425384, 2445106; 426057, 2444655; 424969, 2444599; 424087, 2444665; 424298, 2444527; 424541, 2444533; 425048, 2444395; 425576, 2444097; 425196, 2443945; 424131, 2444021; 424042, 2443733; 425270, 2443619; 426430, 2443155; 427818, 2443383; 427950, 2442970; 426322, 2442783; 425169, 2443141; 424357, 2442849; 424194, 2442643; 422571, 2442723; 422383, 2442876; 422340, 2442802; 422313, 2442829; 422253, 2442799; 422157, 2442895; 423103, 2443764; 423201, 2443796; 423371, 2444122; 423625, 2444198; 424851, 2444198; 424627, 2444336; 424140, 2444296; 423626, 2444520; 423573, 2444725; 423777, 2445276; 423805, 2445404; 439536, 2457157; 439833, 2456737; 439743, 2455809; 439623, 2455659; 439743, 2454910; 439713, 2454101; 439593, 2454011; 439623, 2453262; 438633, 2451794; 438423, 2451764; 438393, 2450655; 437193, 2450205; 436683, 2450295; 435693, 2449427; 434493, 2449217; 434313, 2448797; 434043, 2448767; 432136, 2447629; 432001, 2447726; 431369, 2447027.

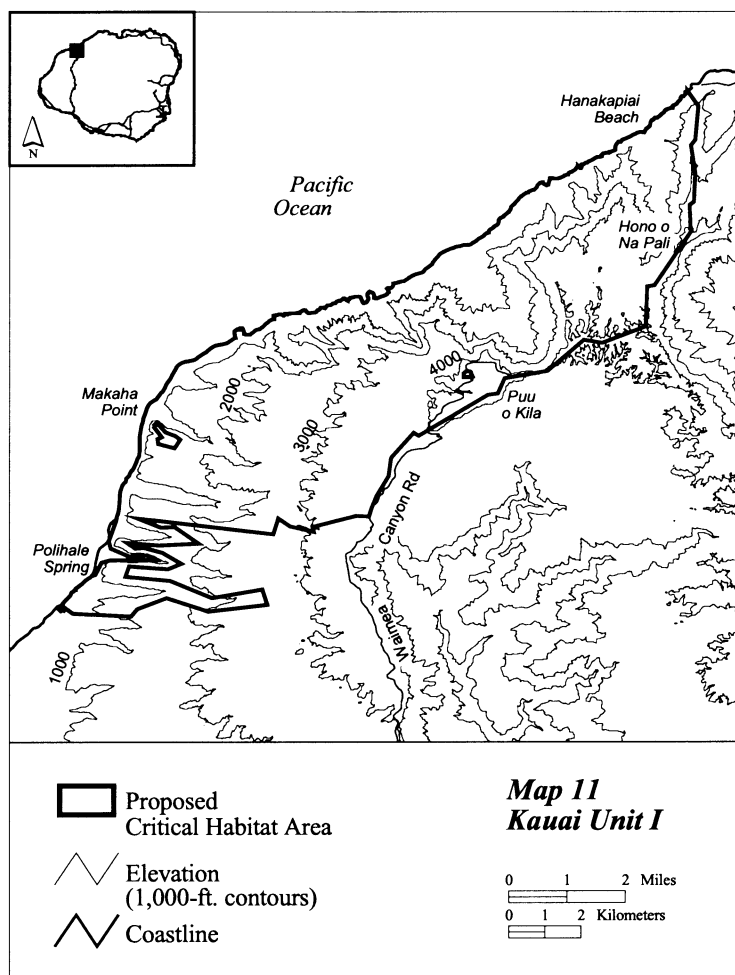
(ii) Excluding two areas:

(A) Bounded by the following 11 points (22 ha; 55 ac): 424797, 2447905; 424876, 2447985; 424979, 2447908; 425131, 2447737; 425411, 2447634; 425540, 2447530; 425388, 2447289; 424938, 2447423; 424917, 2447544; 425029, 2447600; 424797, 2447905.

(B) Bounded by the following 11 points (3 ha, 8 ac): 433368, 2449292; 433367, 2449352; 433448, 2449426; 433546, 2449412; 433567, 2449398; 433589, 2449323; 433612, 2449262; 433588, 2449244; 433567, 2449260; 433369, 2449255; 433368, 2449292.

(iii) **Note:** Map 11 follows:





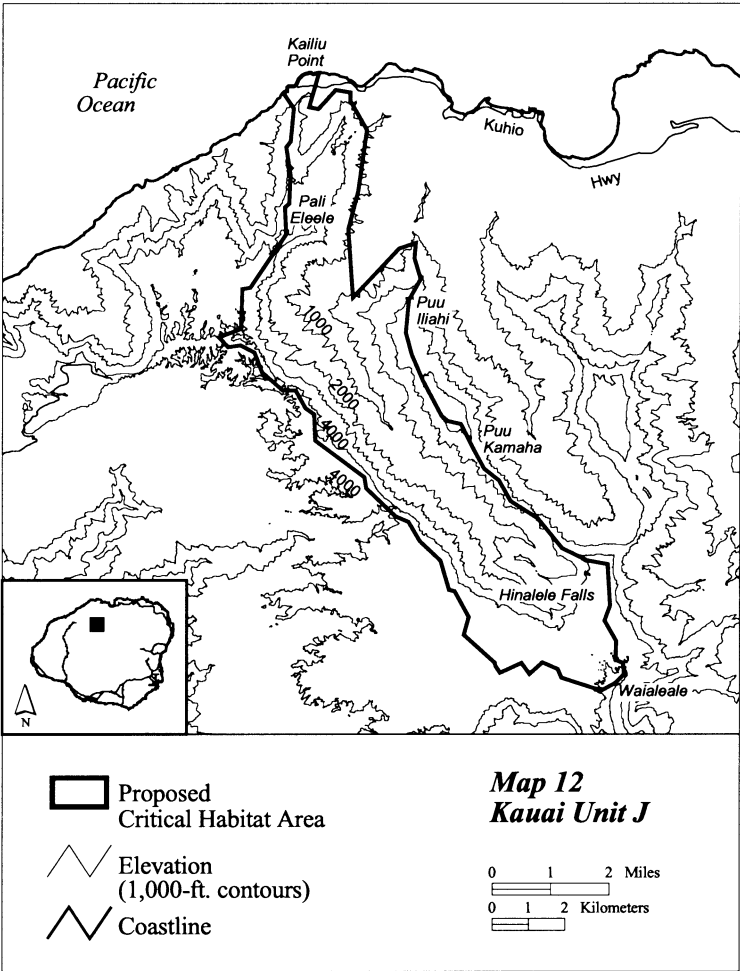
(16) Kauai J (5,536 ha; 13,681 ac):

(i) Unit consists of the following 78 boundary points: 445389, 2441352; 445395, 2441421; 444534, 2442190; 444669, 2442684; 444273, 2443397; 444123, 2443427; 443883, 2444237; 443313, 2444777; 443013, 2445316; 442653, 2445466; 441843, 2446246; 441783, 2446546; 440433, 2447566; 440403, 2448286; 440163, 2448466; 439893, 2448945; 439533, 2448945; 438963, 2449455; 438753, 2449995; 438363, 2450205; 438033, 2450145; 437779, 2450425; 438393, 2450655; 438423, 2451764; 438633, 2451794;

439623, 2453262; 439593, 2454011; 439713, 2454101; 439743, 2454910; 439623, 2455659; 439743, 2455809; 439833, 2456737; 439536, 2457157; 440525, 2457717; 440256, 2456761; 440510, 2456709; 440974, 2457238; 441381, 2457162; 441384, 2456934; 441835, 2456137; 441845, 2456118; 441608, 2454449; 441325, 2453390; 441466, 2451514; 442740, 2452877; 443187, 2453024; 443153, 2452602; 443329, 2452030; 443002, 2451449; 442929, 2450549; 443097, 2449921; 443398, 2449211; 443914, 2448260; 444078, 2448101; 444452, 2448023;

444805, 2447309; 445085, 2446779; 445494, 2446452; 445812, 2445884; 446570, 2445402; 447238, 2444584; 447943, 2444240; 448503, 2444146; 448563, 2443006; 448413, 2442586; 448725, 2442030; 448713, 2441507; 448923, 2441417; 448953, 2441117; 448694, 2440858; 448333, 2440649; 447224, 2441008; 447126, 2441246; 446698, 2441431; 446351, 2441108; 446122, 2441415; 445539, 2441150; 445389, 2441352.

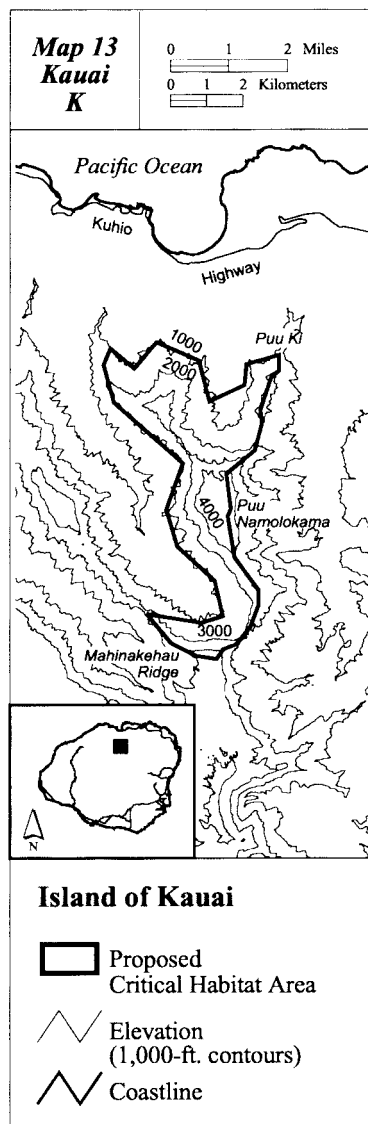
(ii) **Note:** Map 12 follows:



(17) Kauai K (1,752 ha; 4,330 ac):

(i) Unit consists of the following 36 boundary points: 446572, 2445400; 446733, 2445375; 448070, 2445147; 448658, 2445334; 448450, 2446319; 447413, 2447271; 447101, 2448274; 447568, 2449571; 445666, 2451248; 445376, 2452300; 445558, 2452748; 446226, 2452194; 446834, 2452923; 448013, 2452416; 448295, 2451280; 449257, 2451734; 449308, 2452305; 450213, 2452567; 450213, 2452118; 450003, 2451969; 449703, 2451040; 449733, 2450650; 449553, 2449931; 448773, 2449272; 448893, 2448312; 448803, 2448103; 448983, 2446963; 449643, 2446064; 449643, 2445644; 449433, 2445045; 449043, 2444565; 448683, 2444415; 448503, 2444146; 447943, 2444240; 447238, 2444584; 446572, 2445400.

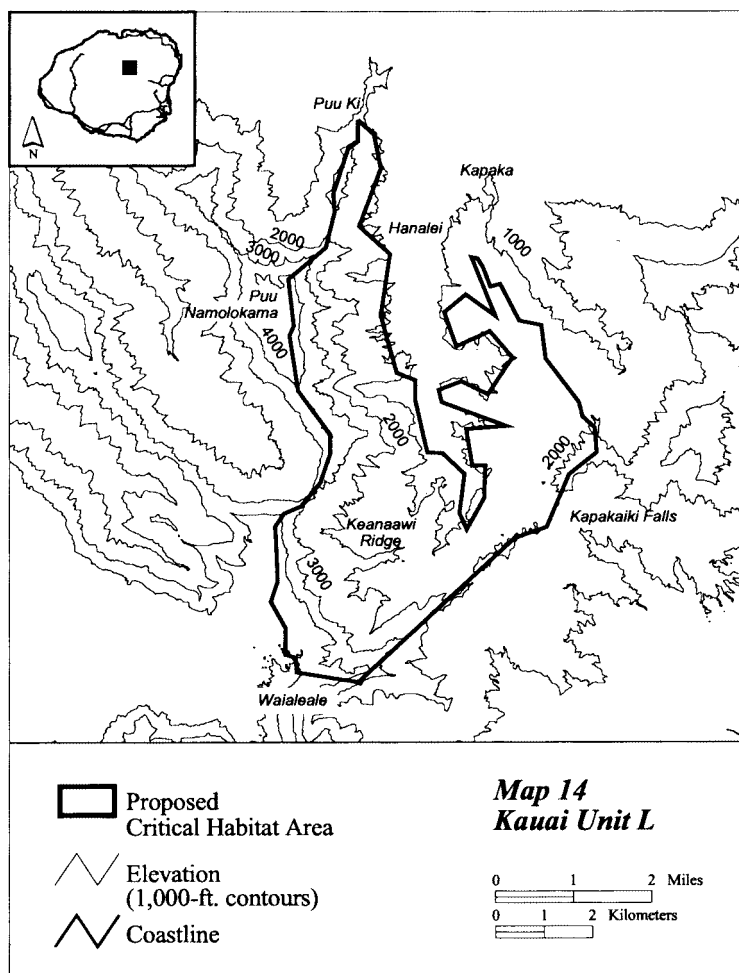
(ii) Note: Map 13 follows:



(18) Kauai L (3,407 ha; 8,418 ac):

(i) Unit consists of the following 67 boundary points: 450213, 2452567; 450542, 2452265; 450684, 2451568; 450241, 2450373; 450869, 2449790; 450678, 2448523; 451007, 2447330; 451389, 2447179; 451389, 2446751; 451639, 2445679; 451955, 2445659; 452403, 2445232; 452304, 2444416; 452455, 2444074; 452811, 2444732; 452837, 2445409; 452567, 2445396; 452446, 2446166; 453271, 2446225; 451942, 2446718; 451876, 2446968; 452347, 2447150; 452890, 2446882; 453396, 2447638; 452923, 2448184; 452240, 2447869; 451990, 2448589; 452433, 2448946; 453048, 2448507; 452547, 2449722; 452673, 2449704; 452793, 2449510; 452943, 2449120; 453147, 2449166; 453543, 2448400; 453993, 2448310; 454083, 2447621; 454773, 2446721; 454844, 2446408; 455103, 2446182; 455133, 2445672; 454563, 2445223; 454106, 2444132; 453446, 2443901; 450222, 2440919; 448953, 2441117; 448923, 2441417; 448713, 2441507; 448725, 2442030; 448413, 2442586; 448563, 2443006; 448503, 2444146; 448683, 2444415; 449043, 2444565; 449433, 2445045; 449643, 2445644; 449643, 2446064; 448983, 2446963; 448803, 2448103; 448893, 2448312; 448773, 2449272; 449553, 2449931; 449733, 2450650; 449703, 2451040; 450003, 2451969; 450213, 2452118; 450213, 2452567.

(ii) Note: Map 14 follows:



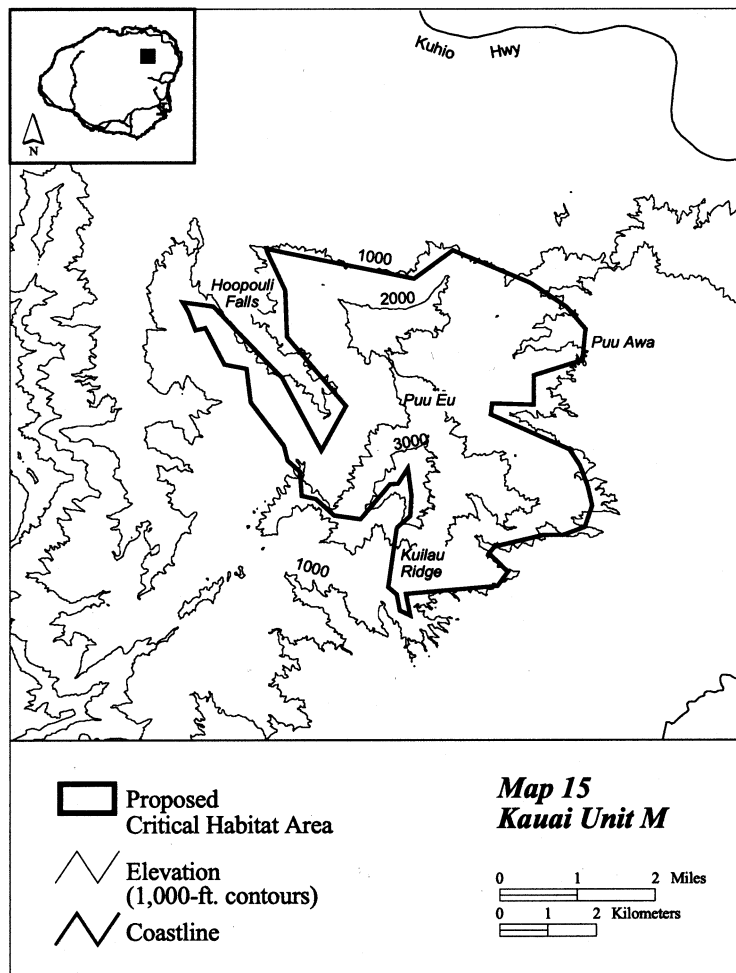
(19) Kauai M (3,302 ha; 8,160 ac):

(i) Unit consists of the following 59 boundary points: 457113, 2445012; 457383, 2445252; 457413, 2445671; 457330, 2446252; 457139, 2445925; 456963, 2445911; 456358, 2445200; 455806, 2445269; 455433, 2445612; 455133, 2445672; 455103, 2446182; 454844, 2446408; 454773, 2446721; 454083, 2447621; 453993, 2448310; 453543, 2448400; 453147, 2449166;

452943, 2449120; 452793, 2449510; 452673, 2449704; 453308, 2449613; 454728, 2448128; 455547, 2446621; 456055, 2447542; 454829, 2448978; 454794, 2449939; 454414, 2450755; 454419, 2450755; 454397, 2450801; 454803, 2450718; 457459, 2450181; 458261, 2450765; 459840, 2450099; 459883, 2450071; 460618, 2449594; 461011, 2449133; 460939, 2448483; 460823, 2448447; 459945, 2448170;

459945, 2447565; 459070, 2447590; 459050, 2447366; 460682, 2446642; 460893, 2446313; 461052, 2445865; 461142, 2445474; 460992, 2445024; 460551, 2444860; 460143, 2444860; 459129, 2444624; 459015, 2444484; 459403, 2444098; 459186, 2443804; 457304, 2443646; 457391, 2443201; 457173, 2443303; 457113, 2443633; 456930, 2443789; 457113, 2445012.

(ii) **Note:** Map 15 follows:



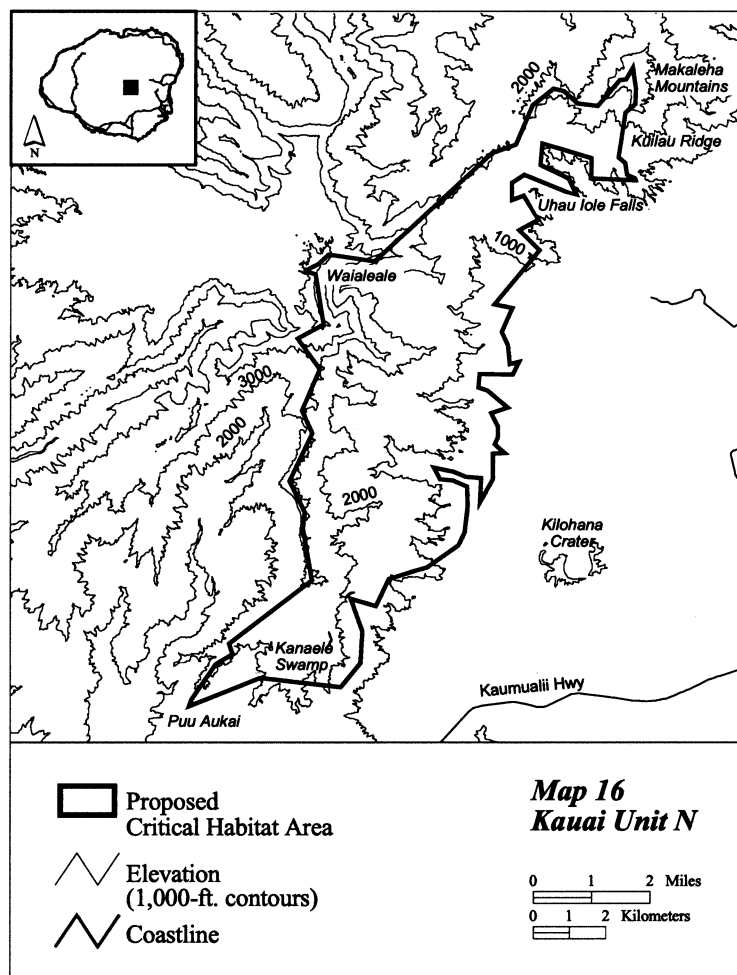
(20) Kauai N (6,599 ha; 16,307 ac):

(i) Unit consists of the following 93 boundary points: 448304, 2440658; 448694, 2440858; 448953, 2441117; 450222, 2440919; 453446, 2443901; 454106, 2444132; 454563, 2445223; 455133, 2445672; 455433, 2445612; 455806, 2445269; 456358, 2445200; 456963, 2445911; 457139, 2445925; 457330, 2446252; 457413, 2445671; 457383, 2445252; 457113, 2445012; 456930, 2443789; 457113, 2443633; 457173, 2443303; 457391, 2443201; 457391, 2443203; 457413, 2443151; 456187, 2443214; 456187, 2443771; 454827, 2444169; 454776, 2443575; 455563, 2443214; 455793, 2442722;

454346, 2443301; 454007, 2443091; 454007, 2442616; 454324, 2442737; 454726, 2442067; 454213, 2441785; 454761, 2441232; 453538, 2439738; 454020, 2439628; 453739, 2438982; 453910, 2438601; 453949, 2438081; 454213, 2438153; 454040, 2437796; 453121, 2437802; 453094, 2437443; 453351, 2437357; 453904, 2436874; 453443, 2436719; 453634, 2436351; 453634, 2436068; 453541, 2435864; 453817, 2435628; 453495, 2435607; 453498, 2434903; 453140, 2434258; 453166, 2434936; 452758, 2434969; 452436, 2435107; 451870, 2435213; 452047, 2434897; 452403, 2434857; 452791, 2434686; 452804, 2434147;

452722, 2433415; 452542, 2433070; 451682, 2432466; 451433, 2432389; 450631, 2432141; 450283, 2431389; 449586, 2431600; 449899, 2430693; 449848, 2429818; 449308, 2429151; 448109, 2429291; 447532, 2429359; 447101, 2429410; 445132, 2428625; 445203, 2428817; 445869, 2429806; 446327, 2430072; 446237, 2430356; 448515, 2432105; 448503, 2432172; 448267, 2433542; 448319, 2433974; 447886, 2434845; 448515, 2436159; 448226, 2436801; 448728, 2437943; 448103, 2438785; 448819, 2439175; 448608, 2440560; 448304, 2440658.

(ii) **Note:** Map 16 follows:



(21) Kauai O (9,462 ha; 23,382 ac):

(i) Unit consists of the following 112

boundary points: 431732, 2447115;  
432759, 2446609; 432659, 2446240;  
432948, 2446150; 433397, 2446440;  
433257, 2446958; 433706, 2447138;  
433746, 2447766; 433527, 2447856;  
432918, 2447407; 432609, 2447647;  
432320, 2447497; 432136, 2447629;  
434043, 2448767; 434313, 2448797;  
434493, 2449217; 435693, 2449427;  
436683, 2450295; 437193, 2450205;  
437779, 2450425; 438033, 2450145;  
438363, 2450205; 438753, 2449995;  
438963, 2449455; 439533, 2448945;  
439893, 2448945; 440163, 2448466;  
440403, 2448286; 440433, 2447566;  
441783, 2446546; 441843, 2446246;  
442653, 2445466; 443013, 2445316;  
443313, 2444777; 443883, 2444237;  
444123, 2443427; 444273, 2443397;  
444669, 2442684; 444534, 2442190;  
445395, 2441421; 445394, 2441346;

445365, 2441385; 444417, 2440969;  
444062, 2441230; 443700, 2441108;  
442976, 2441356; 442451, 2441191;  
441892, 2441565; 441645, 2441557;  
440236, 2440690; 440053, 2440443;  
439019, 2440382; 438851, 2440177;  
438403, 2440161; 438371, 2440418;  
438028, 2440409; 437996, 2440301;  
437460, 2439694; 437359, 2439476;  
437201, 2439467; 437026, 2439616;  
436101, 2439350; 435269, 2440031;  
435665, 2440354; 436455, 2440433;  
436408, 2440716; 436547, 2440821;  
436843, 2440742; 436494, 2441058;  
436158, 2440696; 435346, 2440541;  
435078, 2440832; 434002, 2440921;  
434077, 2442149; 433931, 2442137;  
433683, 2441844; 433347, 2441698;  
433378, 2441400; 433086, 2441406;  
432762, 2442447; 432421, 2443974;  
432044, 2444251; 431123, 2443581;  
430966, 2442944; 431612, 2442073;  
429503, 2441778; 429077, 2442068;

428753, 2443380; 428890, 2444606;  
428578, 2445127; 429227, 2444972;  
429378, 2443867; 430155, 2443777;  
430205, 2444275; 430564, 2444465;  
431153, 2445133; 431083, 2445402;  
430991, 2445457; 430977, 2445767;  
431060, 2445963; 431278, 2446215;  
431483, 2446536; 431491, 2446759;  
431622, 2446390; 431522, 2446121;  
431622, 2445871; 431312, 2445542;  
431632, 2445303; 432001, 2445941;  
431961, 2446460; 431624, 2446959;  
431732, 2447115.

(ii) Excluding the area bounded by the following 12 points (109 ha; 270 ac):

434647, 2444577; 435769, 2444203;  
435794, 2444068; 435447, 2443848;  
435263, 2443927; 434786, 2443298;  
434344, 2443435; 434216, 2443741;  
434411, 2443957; 434416, 2444196;  
434314, 2444351; 434647, 2444577.

(iii) Note: Map 17 follows:

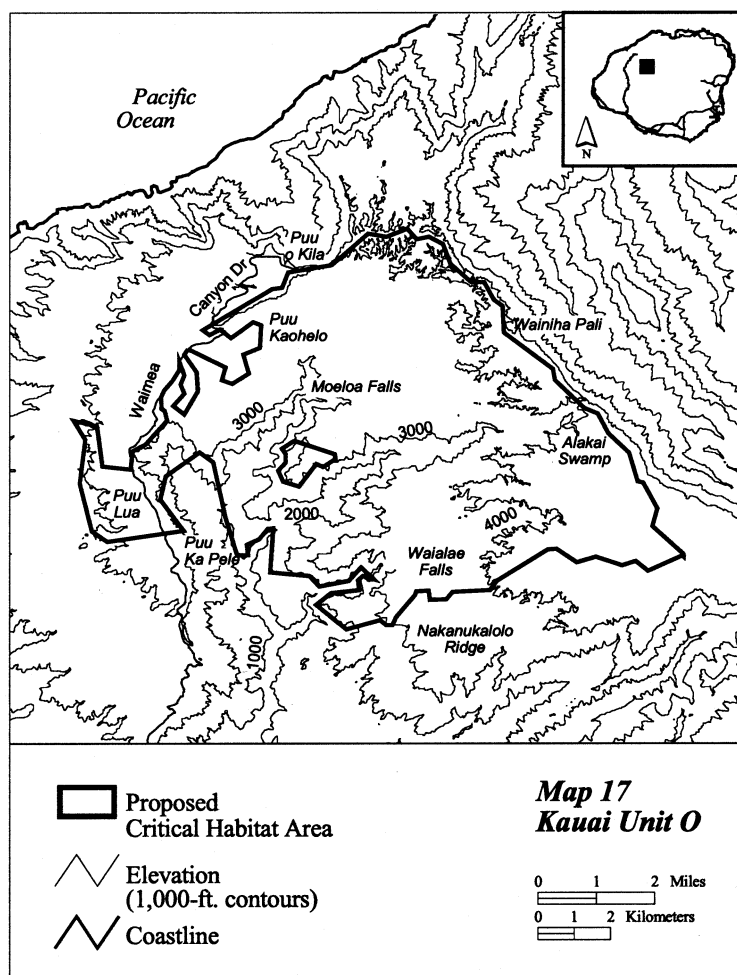


TABLE (A)(1)(i)(A).—PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT FOR KAUAI

Unit name	Species occupied	Species unoccupied
Kauai A .....	<i>Ischaemum byrone</i> .....	<i>Centaurium sebaeoides</i>
Kauai B .....	<i>Hibiscus clayi</i> , <i>Munroidendron racemosum</i> .....	
Kauai C .....	<i>Brighamia insignis</i> , <i>Lobelia niihauensis</i> .....	
Kauai D .....		<i>Sesbania tomentosa</i>
Kauai E .....	<i>Brighamia insignis</i> , <i>Delissea rhytidosperra</i> , <i>Isodendron longifolium</i> , <i>Lipochaeta micrantha</i> , <i>Munroidendron racemosum</i> , <i>Peucedanum sandwicense</i> , <i>Pteralyxia kauaiensis</i> , <i>Schiedea nuttallii</i> .	<i>Melicope haupuensis</i> , <i>Myrsine linearifolia</i>
Kauai F .....	<i>Schiedea spergulina</i> var. <i>leiopoda</i> .....	
Kauai G .....	<i>Lipochaeta waimeaensis</i> , <i>Spermolepis hawaiiensis</i> .....	<i>Schiedea spergulina</i> var. <i>spergulina</i>
Kauai H .....	<i>Panicum niihauense</i> , <i>Sesbania tomentosa</i> .....	
Kauai I .....	<i>Adenophorus periens</i> , <i>Alectryon macrococcus</i> , <i>Alsinidendron lychnoides</i> , <i>Bonamia menziesii</i> , <i>Brighamia insignis</i> , <i>Centaurium sebaeoides</i> , <i>Chamaesyce halemanui</i> , <i>Cyperus trachysanthos</i> , <i>Delissea rhytidosperra</i> , <i>Delissea rivularis</i> , <i>Delissea undulata</i> , <i>Diellia pallida</i> , <i>Dubautia latifolia</i> , <i>Euphorbia haeleeleana</i> , <i>Exocarpos luteolus</i> , <i>Flueggea neowawraea</i> , <i>Gouania meyenii</i> , <i>Hedyotis cookiana</i> , <i>Hedyotis st.-johnii</i> , <i>Hibiscadelphus woodii</i> , <i>Hibiscus waimeae</i> ssp. <i>hannerae</i> , <i>Isodendron laurifolium</i> , <i>Isodendron longifolium</i> , <i>Kokia kauaiensis</i> , <i>Lipochaeta fauriei</i> , <i>Lobelia niihauensis</i> , <i>Melicope haupuensis</i> , <i>Melicope knudsenii</i> , <i>Melicope pallida</i> , <i>Munroidendron racemosum</i> , <i>Myrsine linearifolia</i> ,.	<i>Ctenitis squamigera</i> , <i>Cyanea recta</i> , <i>Cyanea remyi</i> , <i>Cyrtandra limahuliensis</i> , <i>Diplazium molokaiense</i> , <i>Hesperomannia lydgatei</i> , <i>Ischaemum byrone</i> , <i>Labordia lydgatei</i> , <i>Panicum niihauense</i> , <i>Platanthera holochila</i> , <i>Sesbania tomentosa</i>

TABLE (A)(1)(I)(A).—PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT FOR KAUAI—Continued

Unit name	Species occupied	Species unoccupied
Kauai J .....	<i>Adenophorus periens</i> , <i>Cyanea recta</i> , <i>Cyanea remyi</i> , <i>Cyrtandra cyaneoides</i> , <i>Cyrtandra limahuliensis</i> , <i>Hesperomannia lydgatei</i> , <i>Hibiscus waimeae</i> ssp. <i>hannerae</i> , <i>Isodendron longifolium</i> , <i>Labordia lydgatei</i> , <i>Lobelia niihauensis</i> , <i>Myrsine linearifolia</i> , <i>Peucedanum sandwicense</i> , <i>Plantago princeps</i> , <i>Schiedea membranacea</i> .	<i>Alsinidendron lychnoides</i> , <i>Bonamia menziesii</i> , <i>Brighamia insignis</i> , <i>Delissea rivularis</i> , <i>Delissea undulata</i> , <i>Euphorbia haeleeleana</i> , <i>Exocarpos luteolus</i> , <i>Munroidendron racemosum</i> , <i>Phyllostegia wawrana</i> , <i>Platanthera holochila</i> , <i>Remya montgomeryi</i> , <i>Schiedea kauaiensis</i>
Kauai K .....	<i>Adenophorus periens</i> , <i>Cyanea recta</i> , <i>Cyanea remyi</i> , <i>Cyrtandra cyaneoides</i> , <i>Cyrtandra limahuliensis</i> , <i>Hesperomannia lydgatei</i> , <i>Isodendron longifolium</i> , <i>Labordia lydgatei</i> , <i>Myrsine linearifolia</i> , <i>Plantago princeps</i> .	<i>Alsinidendron lychnoides</i> , <i>Bonamia menziesii</i> , <i>Schiedea membranacea</i>
Kauai L .....	<i>Plantago princeps</i> .....	<i>Adenophorus periens</i> , <i>Bonamia menziesii</i> , <i>Cyanea recta</i> , <i>Cyanea remyi</i> , <i>Cyrtandra cyaneoides</i> , <i>Cyrtandra limahuliensis</i> , <i>Hesperomannia lydgatei</i> , <i>Isodendron longifolium</i> , <i>Labordia lydgatei</i> , <i>Lysimachia filifolia</i> , <i>Myrsine linearifolia</i> , <i>Platanthera holochila</i>
Kauai M .....	<i>Adenophorus periens</i> , <i>Cyanea asarifolia</i> , <i>Cyanea recta</i> , <i>Cyanea remyi</i> , <i>Cyrtandra cyaneoides</i> , <i>Cyrtandra limahuliensis</i> , <i>Labordia lydgatei</i> , <i>Phyllostegia wawrana</i> .	<i>Bonamia menziesii</i>
Kauai N .....	<i>Adenophorus periens</i> , <i>Bonamia menziesii</i> , <i>Cyanea asarifolia</i> , <i>Cyanea recta</i> , <i>Cyanea remyi</i> , <i>Cyrtandra limahuliensis</i> , <i>Dubautia pauciflora</i> , <i>Exocarpos luteolus</i> , <i>Isodendron longifolium</i> , <i>Labordia lydgatei</i> , <i>Labordia tinifolia</i> var. <i>wahiawaensis</i> , <i>Lysimachia filifolia</i> , <i>Myrsine linearifolia</i> , <i>Plantago princeps</i> , <i>Viola helenae</i> , <i>Viola kauaiensis</i> var. <i>wahiawaensis</i> .	<i>Cyanea undulata</i> , <i>Cyrtandra cyaneoides</i> , <i>Delissea rivularis</i> , <i>Hesperomannia lydgatei</i> , <i>Phelgmariurus nutans</i> , <i>Phyllostegia wawrana</i> , <i>Platanthera holochila</i>
Kauai O .....	<i>Alectryon macrococcus</i> , <i>Alsinidendron lychnoides</i> , <i>Alsinidendron viscosum</i> , <i>Bonamia menziesii</i> , <i>Chamaesyce halemanui</i> , <i>Diellia erecta</i> , <i>Diellia pallida</i> , <i>Dubautia latifolia</i> , <i>Euphorbia haeleeleana</i> , <i>Exocarpos luteolus</i> , <i>Flueggea neowawraea</i> , <i>Gouania meyenii</i> , <i>Isodendron laurifolium</i> , <i>Kokia kauaiensis</i> , <i>Lipochaeta fauriei</i> , <i>Lipochaeta micrantha</i> , <i>Lobelia niihauensis</i> , <i>Melicope haupuensis</i> , <i>Melicope knudsenii</i> , <i>Melicope pallida</i> , <i>Munroidendron racemosum</i> , <i>Myrsine linearifolia</i> , <i>Nothocestrum peltatum</i> , <i>Peucedanum sandwicense</i> , <i>Phyllostegia knudsenii</i> , <i>Phyllostegia waimeae</i> , <i>Phyllostegia wawrana</i> , <i>Platanthera holochila</i> , <i>Poa sandwicensis</i> , <i>Poa siphonoglossa</i> , <i>Pteralyxia</i> .	<i>Adenophorus periens</i> , <i>Cyanea recta</i> , <i>Delissea rivularis</i> , <i>Diplazium molokaiensis</i> , <i>Isodendron longifolium</i> , <i>Mariscus pennatiflorus</i> , <i>Plantago princeps</i> , <i>Poa mannii</i> , <i>Schiedea kauense</i> , <i>Stenogyne campanulata</i>



(B) *Niihau*. Critical habitat units with multiple species are described below. Coordinates are in UTM Zone 4 with units in meters using North American Datum of 1983 (NAD83).

(1) Niihau A (282 ha; 697 ac):

(i) Unit consists of the following 35 boundary points: 384729, 2427553; 384573, 2427962; 384698, 2428162; 384929, 2428330; 385085, 2428326; 385229, 2428448; 385276, 2428623; 385229, 2428846; 385014, 2428881; 384889, 2428830; 384737, 2428958; 384796, 2429103; 384952, 2429173; 385026, 2429146; 385136, 2429275; 385284, 2429244; 385335, 2429178; 385710, 2429377; 385795, 2429261; 385710, 2429120; 386002, 2428917; 386022, 2428707; 386780, 2428559; 386959, 2428247; 387475, 2427909; 387322, 2427686; 386416, 2427981; 386362, 2427840; 386256, 2427750; 386010, 2427731; 386042, 2427438; 385897, 2427457; 385678, 2427367; 385116, 2427542; 384729, 2427553.

(ii) **Note:** Map 18 follows:

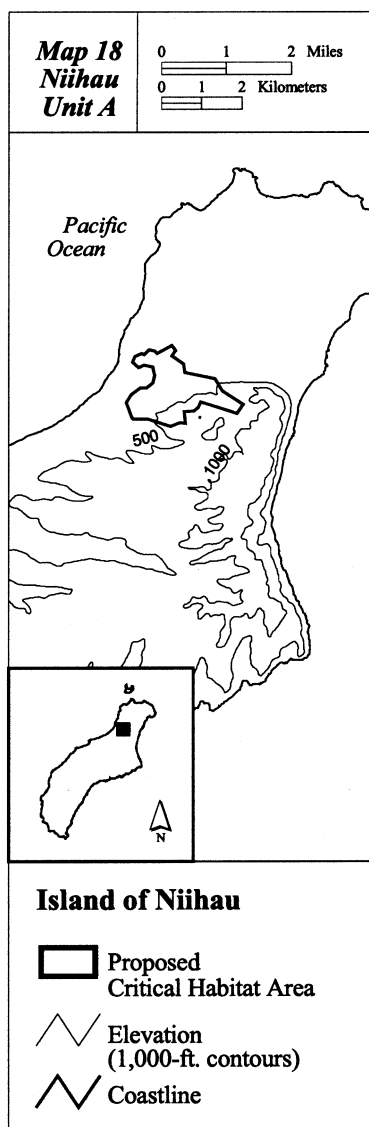


TABLE (A)(1)(i)(B). PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT FOR NIIHAU

Unit name	Species occupied	Species unoccupied
Niihau A .....	<i>Brighamia insignis</i> , <i>Cyperus trachysanthos</i> .	

(ii) *Hawaiian plants*—Constituent elements.

(A) *Flowering plants*.

**Family Apiaceae: *Peucedanum sandwicense* (makou)**

Kauai E, I, J, and O, identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Peucedanum sandwicense* on Kauai. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Cliff habitats in mixed shrub coastal dry cliff communities or diverse mesic forest and containing one or more of the following associated native plant

species: *Acacia koa*, *Artemisia australis*, *Brighamia insignis*, *Bidens* spp., *Carex meyenii*, *Chamaesyce celastroides*, *Diospyros* spp., *Dodonaea viscosa*, *Eragrostis variabilis*, *Hibiscus kokio*, *Lobelia niihauensis*, *Metrosideros polymorpha*, *Panicum lineale*, *Psydrax odoratum*, *Psychotria* spp., or *Wilkesia* spp.; and

(2) Elevations between 0 and 1,232 m (0 and 4,041 ft).

**Family Apiaceae: *Spermolepis hawaiiensis* (NCN)**

Kauai G and O, identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Spermolepis hawaiiensis* on Kauai. Within these

units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha* forests or *Dodonaea viscosa* lowland dry shrubland containing one or more of the following associated plant species: *Bidens sandwicensis*, *Doryopteris* spp., *Eragrostis variabilis*, *Erythrina sandwicensis*, *Lipochaeta* spp., *Schiedea spargulina*, or *Sida fallax*; and

(2) Elevations of about 56 and 725 m (184 and 2,377 ft).

**Family Apocynaceae: *Pteralyxia kauaiensis* (kaulu)**

Kauai E, I and O, identified in the legal descriptions in (a)(1)(i)(A),

constitute critical habitat for *Pteralyxia kauaiensis* on Kauai. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Diverse mesic or *Diospyros sandwicensis* mixed mesic forests with *Pisonia* spp. containing one or more of the following associated plant species: *Acacia koa*, *Alectryon macrococcus*, *Alphitonia ponderosa*, *Antidesma platyphyllum* var. *hillebrandii*, *Bobea brevipes*, *Carex* spp., *Charpentiera elliptica*, *Claoxylon sandwicense*, *Cyanea* spp., *Dianella sandwicensis*, *Diospyros* spp., *Dodonaea viscosa*, *Diplazium sandwichianum*, *Euphorbia haeleeleana*, *Freycinetia arborea*, *Gahnia* spp., *Gardenia remyi*, *Hedyotis terminalis*, *Hibiscus kokio*, *Kokia kauaiensis*, *Metrosideros polymorpha*, *Myrsine lanaiensis*, *Neraudia* spp., *Nesoluma polynesianum*, *Nestegis sandwicensis*, *Peperomia* spp., *Pleomele aurea*, *Pipturus* spp., *Pisonia sandwicensis*, *Poa sandwicensis*, *Pouteria sandwicensis*, *Psychotria* spp., *Psydrax odoratum*, *Pritchardia* spp., *Rauvolfia sandwicensis*, *Santalum freycinetianum* var. *pyrularium*, *Schiedea* spp., *Styphelia tameiameia*, *Syzygium sandwicensis*, *Tetraplasandra* spp., *Xylosma hawaiiense*, or *Zanthoxylum dipetalum*; and

(2) Elevations between 915 and 1,007 m (3,002 and 3,305 ft).

**Family Araliaceae: *Munroidendron racemosum* (NCN)**

Kauai B, E, I, and O identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Munroidendron racemosum* on Kauai. Within these units the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Steep exposed cliffs or ridge slopes in coastal or lowland mesic forest and containing one or more of the following associated plant species: *Bobea brevipes*, *Brighamia insignis*, *Canavalia napaliensis*, *Diospyros sandwicensis*, *Diospyros hillebrandii*, *Nestegis sandwicensis*, *Pisonia sandwicensis*, *Pisonia umbellifera*, *Pleomele aurea*, *Pouteria sandwicensis*, *Psychotria* spp., *Psydrax odoratum*, *Rauvolfia sandwicensis*, *Schiedea* spp., *Sida fallax*, or *Tetraplasandra* spp.; and

(2) Elevations between 6 and 979 m (19 and 3,213 ft).

**Family Asteraceae: *Dubautia latifolia* (naenae)**

Kauai I and O, identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Dubautia latifolia* on Kauai. Within these units, the currently

known primary constituent elements of critical habitat are the habitat components provided by:

(1) Gentle or steep slopes on well drained soil in semi-open or closed, diverse montane mesic forest dominated by *Acacia koa* and/or *Metrosideros polymorpha* and containing one or more of the following native plant species: *Alphitonia ponderosa*, *Antidesma* spp., *Bobea* spp., *Claoxylon sandwicense*, *Coprosma waimeae*, *Cyrtandra* spp., *Dicranopteris linearis*, *Diplazium sandwichianum*, *Dodonaea viscosa*, *Elaeocarpus bifidus*, *Hedyotis terminalis*, *Ilex anomala*, *Melicope anisata*, *Nestegis sandwicensis*, *Pleomele* spp., *Pouteria sandwicensis*, *Psychotria mariniana*, *Scaevola* spp., or *Xylosma* spp.; and

(2) Elevations between 544 and 1,277 m (1,786 and 4,189 ft).

**Family Asteraceae: *Dubautia pauciflora* (naenae)**

Kauai N, identified in the legal description in (a)(1)(i)(A), description above, constitutes critical habitat for *Dubautia pauciflora* on Kauai. Within this unit, the currently known primary constituent elements of critical habitat are habitat components that provide:

(1) *Metrosideros polymorpha*-*Dicranopteris linearis* lowland wet forest within stream drainages containing one or more of the following associated native plant species: *Antidesma platyphyllum*, *Broussaisia arguta*, *Cheirodendron* spp., *Dubautia laxa*, *Embelia pacifica*, *Hesperomannia lydgatei*, *Labordia waialealae*, *Melicope* spp., *Nothoperanema rubiginosa*, *Pritchardia* spp., *Psychotria* spp., *Sadleria* spp., *Scaevola mollis*, *Syzygium sandwicensis*, or *Tetraplasandra* spp.; and

(2) Elevations between 564 and 1,093 m (1,849 and 3,587 ft).

**Family Asteraceae: *Hesperomannia lydgatei* (NCN)**

Kauai I, J, K, L, and N, identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Hesperomannia lydgatei* on Kauai. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Stream banks and forested slopes in rich brown soil and silty clay in *Metrosideros polymorpha* or *Metrosideros polymorpha*-*Dicranopteris linearis* lowland wet forest and containing one or more of the following associated native plant species: *Adenophorus periens*, *Antidesma* spp., *Broussaisia arguta*, *Cheirodendron* spp., *Cyanea* spp., *Dubautia knudsenii*,

*Dubautia laxa*, *Dubautia pauciflora*, *Dubautia raillardoides*, *Elaphoglossum* spp., *Freycinetia arborea*, *Hedyotis terminalis*, *Labordia lydgatei*, *Machaerina angustifolia*, *Peperomia* spp., *Pritchardia* spp., *Psychotria hexandra*, or *Syzygium sandwicensis*; and

(2) Elevations between 405 and 1,570 m (1,329 and 5,151 ft).

**Family Asteraceae: *Lipochaeta fauriei* (nehe)**

Kauai I, and O, identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Lipochaeta fauriei* on Kauai. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Moderate shade to full sun on the sides of steep gulches in diverse lowland mesic forests and containing one or more of the following native species: *Acacia koa*, *Carex meyenii*, *Carex wahuensis*, *Dicranopteris linearis*, *Diospyros* spp., *Dodonaea viscosa*, *Euphorbia haeleeleana*, *Hibiscus waimeae*, *Kokia kauaiensis*, *Myrsine lanaiensis*, *Nestegis sandwicensis*, *Pleomele aurea*, *Psychotria greenwelliae*, *Psychotria mariniana*, or *Sapindus oahuensis*; and

(2) Elevations between 437 and 947 m (1,432 and 3,108 ft).

**Family Asteraceae: *Lipochaeta micrantha* (nehe)**

Kauai E and O, identified in the legal descriptions in (a)(1)(i)(A), constitute critical habitat for *Lipochaeta micrantha* on Kauai. Within these units the currently known primary constituent elements of critical habitat for *Lipochaeta micrantha* are the habitat components provided by:

(1) Cliffs, ridges, stream banks, or slopes in mesic to wet mixed communities and containing one or more of the following associated native plant species: *Acacia koa*, *Artemisia australis*, *Antidesma* spp., *Bidens sandwicensis*, *Bobea* spp., *Chamaesyce celastroides* var. *hanapepensis*, *Diospyros* spp., *Dodonaea viscosa*, *Eragrostis grandis*, *Eragrostis variabilis*, *Hibiscus kokio*, *Lepidium bidentatum*, *Lobelia niihauensis*, *Melicope* spp., *Metrosideros polymorpha*, *Neraudia kauaiensis*, *Nototrichium* spp., *Plectranthus parviflorus*, *Pleomele aurea*, *Psydrax odoratum*, *Pipturus* spp., *Rumex* spp., *Sida fallax*, or *Xylosma hawaiiense*; and

(2) Elevations between 35 and 1,362 m (115 and 4,468 ft).